



Conservation Programs Manual, First Edition  
440-V-CPM

March 2, 1999

Amendment No. 1

SUBJECT: PGM - Policy Guidance for Environmental Quality Incentives Program (EQIP)

Purpose: To modify policy and provide clarification concerning Part 515, EQIP. This amendment represents current policy, and supersedes policy in the CPM, First Edition, Part 515.

Effective Date: This amendment is effective immediately upon receipt.

Background: Recent policy changes necessitates issuance of this amendment. There are changes throughout the Part 515, thus it is distributed in its entirety. The following highlight the major revisions and amendments that are included in Part 515. There are also numerous minor wording changes for clarification and typographical corrections, which are not described. Vertical lines in the borders designate where changes have been made in the manual.

**Paragraph 515.0 (f), page 515-2:** A description of the concurrence process and what to do if concurrence cannot be reached is added.

**Paragraph 515.11 (c), page 515-4:** The FSA Area Director is deleted from the 4th bullet of the 2nd paragraph.

**Paragraph 515.12 (d), page 515-5:** Delegation of responsibilities policy is added.

**Subpart B - Responsibilities:** Numerous additions are made to reflect responsibilities described in other sections of the manual.

**Paragraph 515.21 (a), page 515-8:** A note is added to clarify that policy and guidance is contained in other sections of the manual.

**Paragraph 515.22 (a), page 515-13:** A note is added to clarify that policy and guidance is contained in other sections of the manual.

**Paragraph 515.22 (d), page 515-14:** A note is added to clarify that after initial concurrence on allocations is made, the State FSA Committee may delegate responsibilities to the State Executive Director (SED).

**Paragraph 515.32 (c), page 515-22:** A note is added to indicate actions to take if a conservation district does not convene a local work group.

**Paragraph 515.32 (d), page 515-22:** Local work group working procedures are clarified, including the recording and distribution of considerations, actions, and decisions.

DIST: CPM

The Natural Resources Conservation Service (NRCS),  
formerly the Soil Conservation Service, is an agency  
of the Department of Agriculture

An Equal Opportunity Employer

**Paragraph 515.32 (e), page 515-23:** A new paragraph is added regarding multi-county local work groups.

**Paragraph 515.40 (c), page 515-26:** A new paragraph is added to give a general explanation of information, outreach, and education.

**Paragraph 515.41 (a), page 515-27:** Development of information and outreach plans is described.

**Paragraph 515.42 (e), page 515-30:** RC&D councils and FSA have been identified as possible education providers.

**Paragraph 515.42 (f), page 515-30a:** Clarification is added regarding use and obligation of education assistance funds, including changes issued with Circular No. 1, dated September 9, 1997.

**Subpart E - Appeals, pages 515-32 through 515-32d:** Policy regarding appeals issued with Circular No. 2, December 19, 1997, is incorporated in the manual.

**Paragraph 515.61 (b), page 515-36:** Tobacco is added as a row crop. Other crops used for subsistence is added to the list of crops.

**Paragraph 515.61 (f), page 515-38:** Note is revised to clarify that grazing associations and districts that are decision-makers on behalf of eligible members are also eligible producers.

**Paragraph 515.61 (k), page 515-39:** Paragraph regarding compliance with highly erodible land and wetland provisions is added.

**Paragraph 515.61 (l), page 515-40:** Clarification on when the landlord and tenant provisions do not apply is added.

**Paragraph 515.62 (b), page 515-43:** Clarification is added to indicate ceded Indian lands may be eligible.

**Paragraph 515.62 (c), page 515-43:** A note is added to indicate evidence of control of land may already exist in FSA or NRCS files, per changes issued with Circular No. 1, dated September 9, 1997.

**Paragraph 515.62 (d), page 515-44:** Clarification is added regarding EQIP contracts on CRP or WRP land, per changes issued with Circular No. 1, dated September 9, 1997.

**Paragraph 515.71 (b), page 515-47:** Explanation is added to indicate that a new funding proposals is not required in a subsequent year for previously approved funding proposals.

**Paragraph 515.72 (a), page 515-53:** Clarification is added regarding the role of the national interagency team in the priority area selection process.

**Paragraph 515.72 (c), page 515-54:** A note is added to indicate criteria, factors, and guidance used by the State Conservationist for priority area selection must be documented.

**Paragraph 515.74 (a), page 515-59:** Clarification is added regarding the role of the national interagency team in the significant statewide natural resource concern selection.

**Paragraph 515.74 (d), page 515-61:** A note is added to indicate criteria, factors, and guidance used by the State Conservationist for significant statewide natural resource concern selection must be documented.

**Section 515.76, page 515-65:** Clarification is added regarding State Conservationist determination of fund distribution. Authorization to shift funds at the state level is provided. De-obligation of prior year funds is clarified.

**Paragraph 515.77 (e), page 515-66:** Paragraph is added regarding a national reserve for prior year contract modifications.

**Section 515.78, page 515-67:** Clarification is added regarding allocation determinations to the county level, and subsequent shifting of funds. A new paragraph is added regarding allocations for significant statewide natural resource concerns.

**Paragraph 515.79 (d), page 515-68:** Delayed payments is added to paragraph title to reflect proper topic of the paragraph.

**Paragraph 515.81 (b), page 515-72:** The role of the State technical committee and local work group is clarified. A note is added regarding scheduling of activities so that contract approvals occur on or about September 1.

**Paragraph 515.81 (j), page 515-75:** Signature requirement is clarified, including signature on the CCC-1200 appendix.

**Paragraph 515.81 (l), page 515-76:** Paragraph is revised to indicate that applicants starting a practice after making application, but prior to receiving written contract approval, is at the applicant's own risk. Clarification is provided of the authority that a State Conservation, with FSA State Committee concurrence, may grant waivers of this provision in special cases for meritorious reasons.

**Paragraph 515.81 (m), page 515-77:** Paragraph is added to allow a successor-in-interest to an application if the original applicant loses control of the land.

**Paragraph 515.82 (a), page 515-78:** Clarification is added regarding modifications to the application process, that may be made at the state level, must be consistent with the program regulations. State supplements for the manual should be issued for these modifications.

**Paragraph 515.82 (c), page 515-79:** Paragraph is revised to indicate that any modifications to the original application shall have the authorization of the participant and initials of the FSA authorized employee making the modification.

**Paragraph 515.82 (f), page 515-80:** Paragraph is revised to indicate that FSA shall ensure all new and referred applications are listed on the CCC-1200's Referred for Ranking Report. Additionally, FSA will provide this report to NRCS within 10 work days (increased from 5) after the end of an application period.

**Paragraph 515.82 (g), pages 515-81 and -82:** Paragraph is revised to indicate the NRCS evaluation actions if an application is in a single county priority area, for a multi-county priority area, or for a significant statewide natural resource concern.

**Paragraph 515.82 (h), page 515-82a:** Paragraph is revised to indicate the FSA actions for selecting application for conservation plan development if an application is in a single county priority area, for a multi-county priority area, or for a significant statewide natural resource concern.

**Paragraph 515.82 (i), page 515-82b:** Paragraph is revised to indicate NRCS will provide FSA, in addition to a copy of the conservation plan, a contract support document, or equivalent information, to aid FSA in the development of a contract. A note is added regarding scheduling of activities so that contract approvals occur on or about September 1.

**Paragraph 515.82 (k), page 515-82c and -82d:** Paragraph is revised to indicate the FSA actions for approval of contracts.

**Paragraph 515.82 (l), page 515-82e:** Paragraph is added to establish policy for deferred applications.

**Paragraph 515.82 (m), page 515-82f:** Paragraph is added to establish policy for disapproved applications.

**Paragraph 515.83 (c), page 515-83:** Bullet is added to describe the distribution of ranking criteria by NRCS.

**Paragraph 515.83 (d), page 515-84:** Paragraph is added to establish policy for screening applications.

**Paragraph 515.84 (d), page 515-85:** Paragraph is clarified regarding avoiding bias in ranking criteria. A bullet is added regarding practicing alternative or non-traditional forms of agriculture.

**Paragraph 515.84 (f), page 515-86:** Paragraph is added regarding updating and monitoring use of ranking criteria.

**Paragraph 515.85 (c), page 515-88:** Paragraph is revised to indicate producer has 10 calendar days after signing the CCC-1201 to modify the offer and decision of acceptable program payments. Also, the cost-share rate increments have been reduced from 5 percent to 1 percent.

**Paragraph 515.86 (a), page 515-89:** Paragraph is revised to indicate: other concerns or adjustments to the index may be made to reflect the ranking criteria; and, a producer has 10 calendar days after signing the CCC-1201 to modify the offer.

**Paragraph 515.88 (a), page 515-90a:** County name and land eligibility determination for each application is added to the NRCS application ranking report. Certain information is not required on the ranking report if the application screening process is used.

**Paragraph 515.91 (g), page 515-95:** Paragraph is added regarding contract support document, or equivalent information, provided to FSA.

**Paragraph 515.94 (d), page 515-101:** Paragraph is revised to indicate payments are authorized for re-establishment of a practice that fails, during the life of the contract, at the original contract payment rate or level.

**Paragraph 515.94 (f), page 515-101:** Paragraph is added regarding conservation practice lifespan.

**Paragraph 515.95 (b), page 515-102:** Paragraph is revised to provide situations where a producer is likely to apply a practice without EQIP financial assistance.

**Paragraph 515.95 (d), page 515-103:** A note is added related to informing FSA of conservation practices that are livestock-related.

**Paragraph 515.96 (c), page 515-107:** Paragraph is revised to indicate: the weighted average of animals through their life cycle are used when making calculations of number of animal units; and, a State Conservationist may revise Animal Unit Calculations guidance in exhibit 515.136 to more accurately indicate the weighted average of animals throughout their life cycle, if more accurate information is available.

**Paragraph 515.101 (c), page 515-122:** Paragraph is revised to clarify what may be considered when determining incentive payment levels.

**Paragraph 515.101 (d), page 515-123:** Paragraph is revised to clarify who has responsibility for determining maximum payment rates and levels.

**Paragraph 515.101 (k), page 515-125:** A note that indicated flat rates cannot exceed 100 percent of the cost of the producer's eligible contribution to a practice is deleted.

**Paragraph 515.101 (l), page 515-125:** Paragraph is revised to indicate donated materials are eligible costs.

**Paragraph 515.101 (m), page 515-126:** Paragraph is revised to clarify what may be considered when determining ineligible costs for payment levels and rates, per changes issued with Circular No. 1, dated September 9, 1997. Additional revisions relate to electric power hook-ups, boundary fences, and extents greater than technically needed for the required level of treatment.

**Paragraph 515.102 (d), page 515-129a:** Paragraph is added to provide payment limitation examples.

**Paragraph 515.103 (a), page 515-130:** Paragraph is revised to indicate a State Conservationist's designee may authorize payment limitation waivers. A note is added to indicate in no instance would a person be able to receive more than \$50,000 in a 5-year period.

**Paragraph 515.103 (b), page 515-130:** Requirement for a recommendation from the local work group is deleted.

**Paragraph 515.103 (c), page 515-130:** Bullet is added to indicate payments delayed in the first fiscal year of a contract is a justification for waiving payment limitations.

**Paragraph 515.103 (f), page 515-131:** Paragraph is revised to indicate the county FSA committee is informed, in writing, of payment limitation waivers.

**Paragraph 515.111 (a), page 515-138:** Paragraph is revised to provide clarity to the length of a contract and to identify exceptions to the provision of commencing a conservation practice in the first 12 months after signing a contract.

**Paragraph 515.111 (c), page 515-139:** Paragraph is revised to provide clarity when the landowner's signature is required on a contract with a land operator. A note is added to indicate a landowner's letter of authorization may substitute for signature on the contract.

**Paragraph 515.111 (f), page 515-140:** Paragraph is revised to provide clarity to fields that may be included in the contract.

**Paragraph 515.111 (j), page 515-142:** Paragraph is revised to provide clarity to the items which must be filed as a part of a contract.

**Paragraph 515.111 (k), page 515-142a:** Paragraph is added to provide a provision to waive commencing a conservation practice in the first 12 months after signing a contract because of extraordinary circumstances.

**Paragraph 515.112 (a), page 515-143:** Paragraph is revised to indicate a contract needs to be modified for a change in the listed items. A bullet is added to indicate a change in implementation

schedule or length of contract is a cause for a contract modification. A note indicated that cost inflation is not a cause for contract modification.

**Paragraph 515.112 (b), page 515-143:** Paragraph is revised to indicate documentation requirements for minor and major conservation plan revisions.

**Paragraph 515.112 (c), page 515-144:** Paragraph is revised to clarify that contract modifications that add funds to a contract may only be approved if funds are available and the payment limitations are not exceeded. FSA and NRCS shall inform a participant of this policy.

**Paragraph 515.112 (d), page 515-144:** Paragraph is revised for clarity.

**Paragraph 515.112 (h), page 515-146:** Paragraph is revised to provide guidance on modifying and funding a contract for the repair of a completed practices damaged by natural disasters.

**Paragraph 515.112 (l), page 515-147b:** Paragraph is revised to provide guidance where loss of control of land is involuntary.

**Paragraph 515.112 (m), page 515-147c and -147d:** Paragraph is added to provide policy on contract modification due to error, omission, or appeal.

**Paragraph 515.112 (n), page 515-147e:** Paragraph is added to summarize actions for contract modifications. Contract modifications eligible for increased obligations using the prior year contract modification national reserve are identified.

**Paragraph 515.113 (d), page 515-150:** A note is added to indicate certain land management practices may be exempt from proof of payment requirements because there may not be payments made by the participant for the management actions.

**Paragraph 515.113 (f), page 515-151, and paragraph 515.114 (a), page 152:** A note is revised to indicate that a county FSA committee may waive a part or all liquidated damages.

**Paragraph 515.115 (a), page 515-154:** Paragraph is revised to clarify when initial contract payments are made.

**Paragraph 515.115 (b), page 515-154:** Paragraph is revised to clarify NRCS certification.

**Paragraph 515.115 (f), page 515-155:** Sentence regarding erroneously assessed penalty is deleted.

**Paragraph 515.115 (g), page 515-155:** Paragraph is added to provide policy for determining fiscal year to which payments are credited.

**Paragraph 515.115 (h), page 515-156:** A note is added to indicate certain land management practices may be exempt from support documentation requirements because there may not be standard documentation items for the management actions.

**Paragraph 515.115 (i), page 515-156:** Sentence regarding expenses for personal labor is deleted.

**Paragraph 515.115 (j), page 515-157:** Paragraph is revised to clarify what may be considered when determining ineligible costs for computing payments earned, per changes issued with Circular No. 1, dated September 9, 1997, and consistent with paragraph 515.101 (m).

**Paragraph 515.116 (a), page 515-159:** Procedure for computing flat rate is revised.

**Paragraph 515.116 (c), page 515-161:** Paragraph is added to provide policy for using form CCC-1245.

**Section 515.118, pages 515-167 through -172b:** Paragraphs are generally clarified and re-ordered to better reflect the sequential order the activities are performed.

**Paragraph 515.118 (d), page 515-168:** Paragraph is added to indicate forms needed for an application to be processed.

**Paragraph 515.118 (f), page 515-169:** Paragraph is revised and re-titled to indicate policy regarding person determinations.

**Paragraph 515.118 (k), page 515-172:** Paragraph is added to provide guidance for documenting reasons for errors or omissions.

**Paragraph 515.118 (m), page 515-172a:** Policy for authorities not to be delegated are now in a separate paragraph.

**Exhibit 515.131, CCC-1200 Appendix, pages 515-185 through -192:** The Appendix has been revised as follows:

- All references to a conservation plan of operations are deleted and conservation plan is substituted.
- Paragraph 3B - The CCC-1201 Application Evaluation Worksheet is sent to the applicant who has 10 calendar days in which to modify the offer.
- Former paragraph 4A - The restriction on payments to foreign persons is deleted, in accordance with the regulation.
- Paragraph 4A (3) - Waiver to the application of a practice within 12 months provision is added.



- Paragraph 4A (6) - Reference to practice lifespan is added.
- Former paragraph 5A (9) - The provision to annually certify crop and land use is deleted, in accordance with FSA policy.
- Paragraph 6B - Clarified that cost-share and incentive payment rates are specified in the EQIP contract.
- Paragraph 6D - The delayed payment until the second fiscal year provision is added.
- Paragraph 16 - The provision regarding Executive Order 11246 has been deleted.
- The non-discrimination statement is revised to be consistent with the USDA non-discrimination statement.
- Other minor revisions to reflect current policy.

**Exhibit 515.132, CCC-1201, page 515-194:** In section III., the Cost-Share Rate or Incentive Payment Level column is divided into two subcolumns: Established Rate/Level; and, Requested by Applicant. Section X. has been added to the form to provide a location for the applicant's signature indicating agreement with the indicated practices and payment levels. The Public Burden Statement and Non-Discrimination Statement are added.

**Exhibit 515.133, CCC-1245, pages 515-195 and -196:** New exhibit added.

**Exhibit 515.135, Contract Support Document, Example, pages 515-201 through -204:** Exhibit revised to delete "actual costs not to exceed average costs" payment method, which is not available in EQIP. A note is added to indicate the State Conservationist granted a waiver to the \$10,000 annual payment limitation in 1998 of the contract. A note is added to indicate participant signature is not required on the contract support document.

**Exhibit 515.136, Animal Unit Calculations, pages 515-205 through -210:** Exhibit number corrected; previously identified as 516.136.

**Exhibit 515.137, Examples for Determining Eligibility for Cost-Share on Animal Waste Storage/Treatment Facilities, pages 515-211 through -214:** Exhibit number corrected; previously identified as 516.137.

**Exhibit 515.139, NRCS Application Ranking Report, pages 515-217 through -218:** Exhibit revised to add: County name; an Initial Report and Final Report block; land eligibility determination; and, use of an asterisk (\*) to designate applications not ranked because the application screening method used place the application in a lower screening category that did not require an offer index computation.

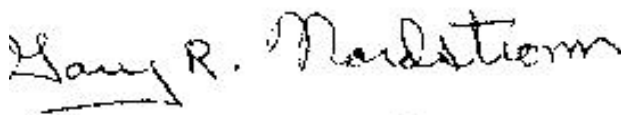
**Exhibit 515.140, CCC-1200 Application / Contract Processing Flowchart, pages 515-219 and -220:** Exhibit added to clarify the actions to be taken, and their timing, during the processing of applications.

**Exhibit 515.143, Conservation Practice Life Spans, pages 515-225 through -230:** Exhibit revised to include new or interim conservation practices.

**Exhibit 515.146, Screening Applications Criteria or Thresholds, Examples, pages 515-237 through -240:** Exhibit added to show examples of criteria or thresholds that could be used to screen applications in accordance with paragraph 515.83 (d).

Filing Instructions: File this Amendment transmittal in front of Part 515 of the CPM. A complete EQIP manual, Part 515, is distributed with this amendment for more streamlined printing and filing. Remove the old manual in its entirety and replace it with the attached Part 515. Archive the old manual for future reference as may be needed for appeals or other considerations regarding prior program policy and guidance.

Remove Pages	Insert Pages
Cover, 515-i through 515-234	Cover, 515-i through 240



GARY R. NORDSTROM  
Director  
Conservation Operations Division

Attachments

# **Title 440 - Programs**

## **Conservation Programs Manual**

### **Part 515**

#### **Environmental Quality Incentives Program**

| **This is a blank page.**

**Conservation Programs Manual**  
**Environmental Quality Incentives Program**

**Table of Contents**

<b>Part 515</b>	<b>Environmental Quality Incentives Program</b>
515.0	Overview
<b>Subpart A</b>	<b>General Information</b>
515.10	Overview
515.11	Source of Authority
515.12	Purpose and Use of Manual
515.13	Program Objectives
<b>Subpart B</b>	<b>Responsibilities</b>
515.20	Overview
515.21	Natural Resources Conservation Service Responsibilities
515.22	Farm Service Agency Responsibilities
515.23	Responsibilities Assigned to Other Agencies
<b>Subpart C</b>	<b>Roles of Committees and Other Groups</b>
515.30	Overview
515.31	State Technical Committee
515.32	Local Work Groups
515.33	National Interagency Team
<b>Subpart D</b>	<b>Information and Education</b>
515.40	Overview
515.41	Information and Outreach
515.42	Education Assistance

**Subpart E Appeals****515.50 Overview****515.51 Appeals****515.52 Reconsideration of Technical Determinations****515.53 Appeals and Decisions****515.54 Notification Requirements****Subpart F Program Eligibility****515.60 Overview****515.61 Producer Eligibility****515.62 Eligibility of Land****Subpart G Selecting Location for Program Delivery****515.70 Overview****515.71 EQIP Funding Proposals****515.72 Priority Area Selection Process****515.73 National Conservation Priority Areas****515.74 Meeting Significant Statewide Natural Resource Concerns Outside of A Priority Area****515.75 Funding Decisions****515.76 Allocation Process****515.77 Reserves****515.78 Allocation Determination****515.79 CCC Funding Requirements****Subpart H Contract Application Acceptance and Evaluation****515.80 Overview****515.81 Application Acceptance****515.82 Processing Applications****515.83 Contract Application Evaluation****515.84 Ranking Criteria Development****515.85 Environmental Benefit Determination****515.86 Contract Application Evaluation****515.87 Ranking the Contract Application****515.88 Contract Application Evaluation Completion**

## **Subpart I      Conservation Planning And Conservation Practices**

### **515.90            Overview**

- 515.91            Conservation Planning General Information
- 515.92            Conservation Planning Area and Treatment Level
- 515.93            Conservation Plan Requirements
- 515.94            Conservation Practice General Information
- 515.95            Eligible Conservation Practices
- 515.96            Large Confined Livestock Operations
- 515.97            Defining A Large Confined Livestock Operation
- 515.98            Quality Assurance and Oversight for Conservation Planning and Implementation
- 515.99            Annual Status Reviews

## **Subpart J      Conservation Practice and Technical Assistance Payments**

### **515.100          Overview**

- 515.101          Establishing Cost-Share and Incentive Payments
- 515.102          Payment Limitations
- 515.103          Payment Limitation Waiver
- 515.104          Technical Assistance Provided By Non-USDA Entities
- 515.105          Payments for Technical Assistance Provided By Non-USDA Entities

## **Subpart K      Contracts, Payments, and General Administrative Requirements**

### **515.110          Overview**

- 515.111          Contract Requirements
- 515.112          Contract Modifications
- 515.113          Compliance
- 515.114          Contract Termination
- 515.115          Contract Payments
- 515.116          Computing Payments, Preparing and Using the CCC-1245
- 515.117          Assignments, Partial Payments, Offsets, and Withholdings
- 515.118          General Administrative Requirements

## **Subpart L      Program Evaluation and Assessment**

### **515.120          Overview**

- 515.121          Evaluation and Assessment Process
- 515.122          Identification of Performance Indicators
- 515.123          Collection of Data and Information
- 515.124          Program Evaluation and Assessment Report

**Subpart M Exhibits**

515.130	Overview
515.131	CCC-1200, Conservation Program Contract
515.132	CCC-1201, Application Evaluation Worksheet
515.133	CCC-1245, Practice Approval and Payment Application
515.134	Conservation Plan, Example
515.135	Contract Support Document, Example
515.136	Animal Unit Calculations
515.137	Examples for Determining Eligibility for Cost-Share On Animal Waste Storage/Treatment Facilities
515.138	ACP-246, Payment Summary Sheet
515.139	NRCS Application Report to FSA
515.140	CCC-1200 application/Contract Processing Flowchart
515.141	NRCS-LTP-13, Status Review
515.142	FSA-18, Applicant's Agreement to Complete An Uncompleted Practice
515.143	Conservation Practice Life Spans
515.144	Glossary of Terms
515.145	Glossary of Abbreviations
515.146	Screening Applications Criteria or Thresholds, Examples



# Part 515 - Environmental Quality Incentives Program

## 515.0 Overview

---

### **a** **Introduction**

This part provides policy, guidance, procedures and information for implementing the Environmental Quality Incentives Program (EQIP).

---

### **b** **Background**

EQIP replaces the following programs:

- Agricultural Conservation Program (ACP), including the Water Quality Incentives Program (WQIP)
  - Great Plains Conservation Program (GPCP)
  - Colorado River Basin Salinity Control Program (CRBSCP).
- 

### **c** **Purpose**

The purpose is to carry out a single U.S. Department of Agriculture (USDA) conservation program:

- On private lands with farmers and ranchers
  - On a voluntary basis
  - Using local, State, tribal, and Federal partnerships
  - That maximizes environmental benefits per dollar expended
  - That provides flexible technical, educational, and financial assistance
  - That assists farmers and ranchers in complying with Federal, State, and tribal environmental laws, including the highly erodible land and wetland conservation provisions, and
  - To encourage environmental enhancement.
- 

### **d** **Program Availability**

The program is available to all eligible producers in the United States, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

---

*Continued on next page*

---

**515.0****e****Procedure**

EQIP provides technical assistance, cost-share payments, incentive payments, and education to producers who enter into 5- to 10-year contracts based on conservation plans.

---

**f****Agency  
Responsibilities**

NRCS has overall leadership for the program and is responsible for establishing policies, priorities, and guidelines for EQIP. NRCS will also provide technical leadership, along with technical and educational assistance.

FSA is responsible for implementing administrative processes and procedures for contracting, payment reporting, and financial matters such as allocation and program accounting.

Conservation districts and FSA county committees share responsibility for local implementation of EQIP.

Successful implementation of the program relies on the interaction of several agencies. Concurrence is needed between agencies in many areas. If concurrence between agencies cannot be reached, issues shall be elevated to the next administrative level.

---

## Subpart A - General Information

### 515.10 Overview

---

#### **a** **Introduction**

This subpart identifies the source of authority, defines the purpose and use of the manual, and outlines the program objectives and scope.

---

## 515.11 Source of Authority

---

### **a** **Legislative** **Authorities**

Legislative authorities for the policy and procedure contained in this manual, codified in 16 U.S.C. 3801 et seq., are:

- Food Security Act of 1985, Public Law 99-198, Title XII
  - Federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127.
- 

### **b** **Federal** **Register**

The Federal Register reference for EQIP is 7 CFR Part 1466. The final rule was published May 22, 1997.

---

### **c** **Authority to** **Waive** **Administrativ** **e Procedures**

The NRCS Deputy Chief for Programs may waive any administrative procedural provision in this manual:

- Unless prohibited by statute or regulation
- If the waiver is justified and will not defeat the purposes of the program
- With concurrence by the FSA Deputy Administrator for Farm Programs.

**Note:** This relief is in addition to the appeals provisions of EQIP.

Requests for waivers may be submitted in writing to the Director, Conservation Operations Division, who will review the request with the Director, Conservation and Environmental Protection Division, FSA, and make a recommendation to the Deputy Chief for Programs. Requests for waivers will include:

- A description of the problem with the existing procedure, including specific reference to actual situations
  - A description of the recommended procedure
  - A recommendation by the State Conservationist and the State Executive Director for the applicable State
  - A recommendation by the Regional Conservationist for the applicable region.
-

## 515.12 Purpose and Use of Manual

---

### **a** **Purpose of this Manual**

This manual contains USDA, Natural Resources Conservation Service (NRCS), and Farm Service Agency (FSA) policy, guidance, and operating procedures for implementing 7 CFR Part 1466, in accordance with the final rules identified in paragraph 515.11(b).

---

### **b** **Knowledge by Employees**

Personnel assigned EQIP responsibility will have a working knowledge of this manual as well as 7 CFR Part 1466.

---

### **c** **Use of Manual**

This manual will be used to provide:

- Policy implementations, guidance, and operating procedure for NRCS and FSA
  - A ready reference and training tool for:
    - NRCS employees
    - FSA employees
    - Conservation districts
    - FSA State and county committees
    - State Technical Committee members
    - Personnel from cooperating agencies and organizations
    - Others.
- 

### **d** **Supplements to This Manual**

State supplements to this manual may be made by the State Conservationist, with appropriate concurrence by the State Executive Director. A State Conservationist, State Committee, or State Executive Director may delegate responsibilities to others on items for which they have responsibility, unless specifically prohibited by the manual or other agency policy.

---

## 515.13 Program Objectives

---

### a Objectives

The EQIP objectives are to provide:

- Flexible technical assistance to producers that face the most serious threats to:
    - Soil
    - Water
    - Air
    - Related natural resources
  - on:
    - Agricultural land
    - Grazing lands
    - Wetlands
    - Wildlife habitat
    - Forest land.
  - Assistance to producers:
    - In complying with Federal, State, and tribal environmental laws
    - Who contribute to environmental enhancement.
  - Assistance to producers in making beneficial, cost-effective changes to:
    - Cropping systems
    - Grazing management
    - Manure and nutrient management
    - Integrated pest management
    - Irrigation water management
    - Land uses, or
    - Other needed measures.
  - Consolidation and simplification of the conservation planning process to reduce administrative burdens on producers.
  - Fifty percent of the funds available nationally to practices to address natural resource concerns related to livestock production.
-

## Subpart B - Responsibilities

### 515.20 Overview

---

#### **a** **Introduction**

This subpart defines the administrative, technical, and program responsibilities for:

- NRCS
  - FSA
  - Conservation districts
  - FSA State and county committees
  - Other agencies.
-

## 515.21 Natural Resources Conservation Service Responsibilities

---

### a Introduction

This section defines NRCS responsibilities for:

- National Office
- Regional Offices
- State Offices
- Area Offices
- Service Centers

**Note:** Refer to other sections of the manual for policy and guidance on how to carry out the identified responsibilities.

---

### b National Office

The Deputy Chief for Programs provides national leadership for:

- Program development and implementation
- Making funding decisions
- Coordinating with FSA and other agencies
- Obtaining FSA concurrence when required
- Waiving administrative procedures, as warranted
- Other responsibilities delegated by the Chief.

The Director, Conservation Operations Division, provides national leadership for:

- Maintaining liaison and working relationship with FSA program leaders, National Association of Conservation Districts, and other agencies and organizations
  - A national EQIP interagency team of cooperating Federal agencies
  - Approving definitions of large confined livestock operations developed by State Conservationists
  - Designating national conservation priority areas jointly with FSA after consulting with other Federal agencies
  - Developing guidance on:
    - Selecting priority areas and significant statewide natural resource concerns
    - Defining large confined livestock operations
    - Training of non-Federal entities involved with EQIP
  - Approving and evaluating qualifications of others providing assistance
- 

*Continued on next page*



---

**515.21****b****National  
Office**

(Continued)

- Conservation planning and implementation
  - Program training to Regional and State personnel
  - Coordinating overall program evaluation
  - Coordinating the national public outreach campaign
  - Developing cooperative agreements with others
  - Providing appropriate budget documents for EQIP to the Director, Budget Division, FSA, for inclusion in CCC's annual budget submission
  - Performing the following, with FSA concurrence:
    - Establishing policies, procedures, and regulations
    - Establishing national priorities after consulting with other Federal agencies
    - Developing the EQIP manual on program policies and procedures
    - Recommending funding decisions to the Deputy Chief for Programs
    - Developing guidance on eligible conservation practices
    - Developing guidance on cost-share and incentive payment limits and methods of payment
  - Other responsibilities delegated by the Deputy Chief for Programs.
- 

**c****Regional  
Offices**

Regional Conservationists will provide support and oversight to:

- Coordinate EQIP priority areas across State and regional lines
  - Designate a lead conservationist for multi-state priority areas
  - Allocate technical resources to address concerns in the region
  - Provide oversight of State program guidance and decisions to ensure consistency, to the greatest extent possible, and cost effectiveness
  - Ensure consistency, to the greatest extent possible, of State definitions of large confined livestock operations
  - Integrate State and local recommendations in regional strategic plans
  - Conduct program evaluation
  - Coordinate regional public outreach campaign, as appropriate
  - Assist in national level funding decisions
  - Determine allocations to States
  - Review and make recommendations on State requests to waive administrative procedures
  - Perform other responsibilities delegated by the Chief.
- 

*Continued on next page*

---

**515.21****d****State Offices**

The State Conservationist will provide leadership for EQIP activities in the State, including the following responsibilities:

**In relation to or in cooperation with the State Technical Committee:**

- Chair State Technical Committee
- Develop additional guidelines for conservation needs assessments
- Establish State program management policies, procedures, and program performance indicators
- Conduct the statewide public outreach and information campaign(s)
- Establish State policies, priorities, and eligible practices
- Develop State definition of large confined livestock operations
- Develop statewide education plan
- Determine agricultural commodities, livestock, or animals that contribute to significant natural resource concerns
- Determine cost-share and incentive payment limits and methods of payment, with FSA State Committee concurrence
- Determine fund allocations to the local level, with FSA State Committee concurrence
- Identify, monitor and analyze performance indicators and evaluate and report program impacts on resources

**Miscellaneous Responsibilities:**

- Provide technical leadership for conservation planning and implementation, including evaluation of qualifications of others providing technical assistance
- Participate in appeals processes, as appropriate
- Provide leadership for developing cooperative agreements with other conservation partners concerning their roles and responsibilities
- Provide training to and evaluation of qualifications of non-USDA persons
- Allocate technical resources to address concerns in the State
- Designate a lead conservationist in multi-county priority areas
- Maintain an effective working relationship with FSA county committee, and other partners
- Perform other responsibilities delegated by the Chief.

---

*Continued on next page*

---

**515.21****e****Area Offices**

Area Conservationists will:

- Maintain liaison and a close working relationship with FSA program leaders
- Monitor interagency working relationships to ascertain adequate levels of cooperation
- Assist with State and county-wide public outreach campaigns
- Carry out NRCS responsibilities as delegated by the State Conservationist.

---

*Continued on next page*

---

**515.21****f****Service Centers:** Designated conservationists responsibilities are to:**Local Work Group Activities:**

- Participate on the local work group, convened by the Conservation District(s)
- In the absence of a conservation district, convene the local work group
- Assess natural resource and environmental conditions and needs
- Identify program priorities and resources available
- Develop proposals for priority areas
- Make recommendations for significant statewide natural resource concerns
- Make program policy recommendations to the State Conservationist
- Rank EQIP applications based on the criteria, needs, and priorities identified by the local work groups
- Prepare and determine acceptability of conservation plans
- Develop local education plan
- Provide leadership in carrying out public outreach and information activities at the local level

**Miscellaneous Activities:**

- Provide local program management leadership
- Implement policies and procedures
- Provide technical leadership for conservation planning and implementation
- Accept program applications and forward to FSA
- Concur with FSA on contracts and contract modifications
- Determine cost-share and incentive payment limits and methods of payment, with FSA concurrence
- Responsible for technical quality and technical approval of work performed by all technical assistance providers
- Analyze performance indicators and reports
- Monitor, evaluate, and report program impacts on natural resources
- Participate in appeal processes, as appropriate
- Provide leadership for developing cooperative agreements with local conservation partners concerning their roles and responsibilities
- Document case file, outreach and information activities per NPPH
- Prepare and send letters to participants relating to items that are NRCS responsibilities, such as:
  - Conservation plan development and acceptance
  - Offer evaluation
  - Conservation practice standards and specifications
- Perform other activities delegated by the State Conservationist.

## 515.22 Farm Service Agency Responsibilities

---

### a Introduction

This section defines the FSA responsibilities for:

- National Office
- State Offices
- State FSA Committees
- County FSA Committees
- District Directors
- Service Centers

**Note:** Refer to other sections of the manual for policy and guidance on how to carry out the identified responsibilities.

---

### b National Office

The National FSA Office will have responsibilities for the following:

- Participating on the national EQIP interagency team
- Establishing, implementing and overseeing administrative processes and procedures for:
  - Contracts
  - Payment processes
  - Administrative and financial performance reporting
  - Financial matters, including allocation and program accounting.
- Concurring on policies, procedures, regulations, manuals, and national program priorities, including waivers of administrative procedures
- Concurring on funding decisions and determinations of allocations to regions and States
- Concurring on cost-share and incentive payment limits, methods of payment, and the definition of eligible practices
- Identifying and approving national conservation priority areas jointly with NRCS, in consultation with other Federal agencies
- Assisting NRCS with a national public outreach campaign
- Providing leadership for appeals and mediation processes
- Providing additional services to support administration of the program as mutually agreed to with NRCS.

---

*Continued on next page*

---

**515.22****<sup>c</sup>  
State Office**

The State Executive Director provides leadership for FSA activities associated with EQIP in the State. The State Executive Director's responsibilities are to:

- Implement administrative processes and procedures relating to:
    - Contracting
    - Financial performance reporting
    - Financial matters, including allocation and program accounting
  - Be a member of the State Technical Committee
  - Monitor and analyze administrative and financial performance indicators
  - Provide additional services to support administration of the program as mutually agreed to by NRCS
  - Assist NRCS with a statewide public outreach campaign(s)
  - Implement appeals processes for appeals referred to the State FSA Committee, in conjunction with the County FSA Committee and NRCS
  - Concur with State supplements to the EQIP manual as approved by the State Conservationist, within authority. See paragraph 515.12 (d).
- 

**<sup>d</sup>  
State FSA  
Committee**

State FSA Committees responsibilities are to:

- Provide one representative to participate on the State Technical Committee
- Provide advice to NRCS on:
  - Priorities
  - Priority areas and significant statewide natural resource concerns
  - Eligible practices
  - State program management policies, procedures, and performance indicators
- Concur on maximum cost-share and incentive payment limits and methods of payment for conservation practices used in the State
- Concur on allocations of financial and education assistance funds

**Note:** After the initial concurrence on allocations for the FY, this authority may be delegated to the State Executive Director for later allocation changes.

- Hear appeals, in consultation with NRCS.
- 

*Continued on next page*

---

**515.22****e  
County FSA  
Committee**

The County FSA Committee will:

- Participate on the local work group
- Approve contracts and contract modifications, with NRCS concurrence
- Approve contract payments and disbursement of funds, with NRCS concurrence
- Obtain concurrence of NRCS on contract approvals and contract modification approvals
- Determine conditions for terminating contracts, in consultation with NRCS, including:
  - Repayment of program funds
  - Liquidated damages and interest
  - Forfeiture of rights for future payments
- Assist the local work group in identifying the educational and training needs of producers to implement conservation plans and practices to meet specified environmental goals
- Determine producer eligibility
- Determine persons for payment limitation purposes
- Hear appeals, with NRCS, as appropriate.

**Note:** The County FSA Committee may delegate certain authorities to the County Executive Director. See paragraph 515.118 (m).

---

**f  
District  
Director**

The District Director's responsibilities are to:

- Carry out FSA responsibilities as delegated by the State Executive Director
- Maintain liaison and a close working relationship with the Area Conservationist and other NRCS program leaders
- Provide oversight to ensure consistency and cost effectiveness
- Monitor FSA county committee and county executive director, and their interagency working relationships to ascertain adequate levels of cooperation
- Report potential and current program irregularities to the FSA State Office in an expedient manner
- Assist NRCS with State-and county-wide public outreach campaigns
- Assist County FSA Committees to assess natural resource conditions and needs.

---

*Continued on next page*

---

**515.22****g****Service Center:**

The County Executive Director's responsibilities are to:

- Participate on the local work group
  - Maintain an effective working relationship with NRCS, Conservation Districts, and other partners
  - Accept program applications and perform associated administrative functions
  - Administer payment limitation provisions, as applicable
  - Prepare and administer contracts including:
    - Preparing administrative documents
    - Maintaining contract and related financial records
    - Processing contract modifications
    - Disbursing payments upon appropriate County FSA Committee authorization
    - Maintaining administrative and financial performance records
  - Team with the designated conservationist to assist the County FSA Committee in selecting applications for conservation plan development and contract approval
  - Obtain NRCS concurrence on contract and contract modification approvals
  - Provide program information to producers and others, and assist NRCS with local program outreach and information campaign
  - Collect, summarize and report on administrative and payment indicators
  - Assist with quality assurance and quality checks as mutually agreed by NRCS
  - Provide additional services to support administration of conservation provisions, as mutually agreed to by NRCS
  - Maintain appropriate EQIP files
  - Process appeals in conjunction with FSA county committee and NRCS
  - Assist NRCS in establishing payment levels and rates
  - Prepare and send letters to participants relating to items that are FSA responsibilities, such as: CCC-1245 requirements; obligation to complete practices; compliance problems; appeals; deferred applications.
-



## 515.23 Responsibilities Assigned To Other Agencies

---

### **a** **Introduction**

This section defines the responsibilities assigned to:

- Conservation Districts
  - Other Federal and State Agencies
- 

### **b** **Conservation Districts**

Conservation Districts (CD) may have the following responsibilities:

- Convene and participate on the local work group
- Provide input and recommendations to NRCS for program guidelines
- Provide input to the State Technical Committee, State Conservationist, and designated conservationist on EQIP policy, priority areas, selection criteria
- Accept applications for contracts and forward to FSA
- Develop conservation plans, where appropriate
- Provide technical assistance, where appropriate
- Assist NRCS and FSA with local information and outreach programs
- Provide educational assistance to producers
- Approve the conservation plans and contract support documents and as needed, their revisions
- Consult with NRCS on appeals relating to conservation plans and conditions for contract termination.

**Note:** A CD member shall abstain from voting on any conservation plan approval regarding a farm in which that member or an immediate family member has a personal interest.

---

### **c** **Other Federal and State Agencies**

Other Federal and State agencies may have the following responsibilities:

- Serve as a member of the national EQIP interagency team, State Technical Committee, or local work groups
  - Provide input and recommendations to NRCS for developing program guidelines
  - Assist NRCS and FSA with information and outreach programs
  - Provide educational assistance to producers
  - Provide technical assistance where appropriate.
-

**This is a blank page.**

## **Subpart C - Roles of Committees and Other Groups**

### **515.30 Overview**

---

#### **a Introduction**

This subpart defines the roles of committees and other groups in the development and implementation of EQIP. The program will use the following committees and groups:

- State Technical Committee
  - Local work group
  - National interagency team.
-

## 515.31 State Technical Committee

---

### **a** **Legislative Authorities**

Section 1446 of the Food Security Act of 1985, as amended, authorizes the State Technical Committee to provide recommendations for establishing criteria, priorities, and other State-level initiatives under EQIP. This section describes the EQIP issues for which the State Technical Committee may offer advice.

---

### **b** **EQIP Advice**

The State Technical Committee may advise the State Conservationist on EQIP issues such as the following:

- State program management policies and procedures
  - Technical programmatic recommendations
  - Statewide public information and outreach campaign(s)
  - Selecting and ranking priority areas
  - Selecting significant statewide natural resource concerns
  - Guidelines for developing ranking criteria for evaluating applications
  - Guidance on eligible conservation practices
  - Technical guidance on conservation practices, including new, innovative conservation practices
  - Cost-share rates and incentive payment limits and methods of payment
  - Identifying, monitoring, and analyzing performance indicators
  - Evaluating and reporting program impacts on natural resources and the environment
  - Coordinating with other Federal, State, tribal, local public and private activities as they relate to EQIP
  - Guidance on a definition for large confined livestock operations and other livestock-related issues that are appropriate for the State.
-

## 515.32 Local Work Groups

---

### **a** **Purpose**

The purpose of the local work group is to provide advice to NRCS concerning the implementation of EQIP. Convened by the local conservation district(s), the local work group may advise NRCS on:

- Identifying priority areas
- Developing priority area proposals
- Conditions of the natural resources and the environment
- The local application evaluation process, including application ranking criteria and application periods
- Identifying the educational and training needs of producers
- Cost-share rates and payment levels and methods of payment
- Eligible conservation practices
- The need for new, innovative conservation practices
- Public outreach and information efforts
- Program performance indicators
- Representatives to serve on a multi-State committee, as needed.

**Note:** A Federal, State, or local government agency, Indian tribe, or a private group or entity may identify geographic areas to the local work group for priority area consideration.

---

### **b** **Membership**

The membership of the local work group consists of Federal, State, Tribe, County, or local government or agency representatives including:

- NRCS designated conservationist
- Members of the Conservation district board(s) or equivalent
- Members of the FSA county committee(s)
- FSA county executive director or designee
- Conservation district manager
- Cooperative Extension (board members or managers)
- State or local elected or appointed officials
- Other Federal, State government representatives
- Representatives of American Indian and Alaskan Native governments.

**Note:** Members of local work groups will have interest and expertise in the natural resources of the local area.

---

*Continued on next page*

---

**515.32****c****Absence of  
the  
Conservation  
District**

Where a conservation district does not exist or waives its right, the designated conservationist will convene the local work group.

**Note:** If a conservation district does not convene a local work group meeting by a date set by the designated conservationist necessary for the local work group to provide timely advice to NRCS concerning the implementation of EQIP, this will be considered a waiver of rights and the designated conservationist will convene the local work group.

---

**d****Working  
Procedures**

The local work group will establish its own working procedures, including:

- Designation of a chair or other leadership positions
- Organization
- Decision-making procedure, such as by consensus
- Meeting dates, including timely notification of members
- Recording and distributing local work group considerations, actions, and decisions
- Others as deemed necessary.

The considerations, actions, and decisions of the local work group will be recorded as official meeting minutes and distributed to local work group members.

---

*Continued on next page*

---

**515.32****e****Multi-County  
Local Work  
Group**

Where a priority area crosses county, state, or regional boundaries, a multi-county local work group will be organized to perform the responsibilities identified in this section.

Where a multi-county priority area exists, the State Conservationist will designate a conservation district to convene the local work group in accordance with paragraph 515.32 (a). Initially, the multi-county local work group will consist of all members of the individual local work groups which represent a portion of the priority area. Once organized, the multi-county local work group may decide the membership of the work group, ensuring that each agency is represented, and that each county is represented, but it is not necessary to ensure that each agency in each county is represented.

The State Conservationist will select a designated conservationist to coordinate the NRCS efforts with the multi-county local work group.

In the case of a multi-state priority area, the Regional Conservationist will designate a lead State Conservationist to provide coordination to the priority area efforts. In the case of a multi-region priority area or national conservation priority area, the Director, Conservation Operations Division, will designate a lead Regional Conservationist to provide coordination to the priority area efforts.

All other provisions in this section shall apply to multi-county local work group.

---

## 515.33 National Interagency Team

---

### **a** **Purpose**

The purpose of the National Interagency Team is to provide advice to NRCS at the national level concerning the implementation of EQIP. Convened by the Director, Conservation Operations Division, the National Interagency Team may advise NRCS on:

- Program development and implementation
- Program guidance, including:
  - Program goals and objectives
  - Selecting locations for program delivery
  - Program information, outreach, and educational activities
  - Defining large confined livestock operations and other livestock-related items
- Adequacy of priority areas to meet program guidance, goals, and objectives
- Funding decision considerations
- Conditions of the natural resources and the environment
- The need for new, innovative conservation practices
- Program evaluation, monitoring, and performance indicators
- Other items requested by NRCS.

---

### **b** **Membership**

The membership of the EQIP national interagency team consists of Federal agency representatives including:

- NRCS
- FSA
- Cooperative State, Research, Education, and Extension Service (CSREES)
- Forest Service (FS)
- Economic Research Service (ERS)
- Agricultural Research Service (ARS)
- Fish and Wildlife Service (FWS)
- Environmental Protection Agency (EPA)
- National Oceanic and Atmospheric Administration (NOAA)
- Other Federal agencies.

**Note:** Members of the National Interagency Team will have interest, expertise, and information on the natural resources of the Nation.

---



## Subpart D - Information and Education

515.40

### Overview

---

**a**  
**Introduction**

The success of EQIP as a voluntary conservation program is to assist producers of private agricultural lands to make cost-effective and technically sound natural resource management decisions that conserve and improve soil, water, air, and related natural resources depends on the:

- Program awareness
  - Level of producer participation
  - Decisions made by producers
  - Technical assistance provided to producers
  - Program implementation.
- 

**b**  
**Purpose**

Public benefits will be maximized by establishing program elements to assure that:

- All potential participants are informed of their eligibility to participate in EQIP
  - Quality educational opportunities are available to producers
  - Technical assistance providers have the relevant technical expertise and program knowledge
  - Quality assistance is provided to producers.
-

---

**515.40****c****Explanations  
of  
Information,  
Outreach, and  
Education**

While information, outreach, and education are frequently managed similarly and they may have common purposes and activities, a distinction is made in EQIP due to the statutory limitations placed on education assistance. The statute authorized the Secretary to provide “the producer with information, education, and training to aid in implementation of the [EQIP conservation] plan.” The following are general explanations of information, outreach, and education in EQIP:

- Information includes those activities to develop, produce, and deliver general news, knowledge, and facts about the program. Information is delivered extensively to a wide audience.
  - Outreach includes those activities to develop, produce, and deliver general news, knowledge, and facts about the program to a specific audience. Outreach efforts are typically aimed at producers who have been historically underserved, have not historically participated in conservation programs, or who require special emphasis or accommodations. The intent of outreach activities is to assure that the targeted producers are aware and informed of program opportunities and have access to program participation.
  - Education assistance includes those activities to develop, produce, and deliver technical news, knowledge, and facts to producers to help them identify and understand their natural resource and environmental conditions, and to know how to develop, implement, and maintain a conservation plan and conservation management systems.
-

## 515.41 Information and Outreach

---

### **a** **Purpose**

The purpose of the information component is to provide conservation planning and program outreach to producers through a national, regional, State, and local partnership that maximizes resource sharing among cooperating agencies and organizations, thus enabling producers to achieve their ongoing conservation and environmental goals using EQIP as an implementation tool. The EQIP information and outreach activities should be considered as components of broader information and outreach activities performed when delivering conservation technical assistance.

State Conservationists are encouraged to develop information and outreach plans or incorporate these important activities into other business or performance plans.

---

### **b** **Public Information Campaign**

NRCS, FSA, Conservation Districts, Cooperative Extension, and other cooperating agencies and organizations will implement a coordinated national, regional, State, and local information campaign including the appropriate use of:

- Fact sheets
  - Brochures
  - Posters
  - News releases
  - Television and radio public service announcements
  - Media events
  - Presentations at various meetings for producers.
- 

*Continued on next page*

---

**515.41****c****Special  
Emphasis**

Special emphasis will be made in all information activities to provide conservation planning and program outreach, and access to limited resource producers, minority producers, small-scale producers, Tribal members, Alaska Natives, Pacific Islanders, producers with disabilities, and other producers who have not historically participated in conservation programs. Special outreach efforts could include, but not be limited to:

- Establishing special outreach activities at the national, State, and local levels
- Providing special accommodations, to the extent possible, to assure that producers are aware, informed, and have access to information and assistance, such as:
  - Using language spoken by the intended audience
  - Using appropriate media sources to reach the intended audience.

**Note:** It is important to inform potential program participants that all applicants must meet the program objectives and requirements when EQIP is used to implement their conservation plan.

---

## 515.42 Education Assistance

---

### **a** **Introduction**

Educational opportunities must be made available to producers to achieve the desired conservation and environmental goals of the program. National, regional, State, and local partnerships will use a coordinated approach to develop and deliver appropriate education assistance that:

- Provides for local program assessment and development that addresses unique needs of different learners, to the extent possible
  - Balances educational efficiency with relevance to promote customer buy-in
  - Maximizes resource sharing among cooperating agencies and organizations.
- 

### **b** **Purpose**

The purpose of educational assistance is to complement the technical and financial assistance aspects of the program by fulfilling the educational needs of producers to:

- Identify and understand their natural resource and environmental conditions
  - Plan, design, implement, operate, and maintain conservation practices.
- 

### **c** **Education Plan**

The national, State, and local levels will use a coordinated approach to design an education plan that maximizes the use of existing educational resources. The education plan at each level will include:

- Identification of customers and their educational needs
  - Educational goals and objectives
  - Design of appropriate educational responses
  - Delivery of educational programs
  - Evaluation of educational outcomes.
- 

*Continued on next page.*

---

**515.42****c****Education Plan**  
(Continued)

The national education design team will be composed of expertise in educational needs assessment, program delivery and evaluation, and other expertise for specific topics identified through the needs assessment process.

The State education assistance will focus on priority natural resource and environmental concerns in the State. State Technical Committees can advise on needed educational needs.

The educational programs at the local level will be targeted to local needs, consistent with educational guidance developed nationally or in the State.

---

**d****Use of Existing  
Materials**

Existing educational materials and programs will be used to the maximum extent possible.

---

**e****Education  
Providers**

State Conservationists should develop cooperative agreements or enter into contracts, as needed, with education providers to fulfill the education assistance needed in the State and for priority areas. Education providers may include:

- Cooperative Extension
  - Conservation districts
  - State agriculture and natural resource agencies
  - Private sources
  - RC&D councils
  - NRCS
  - FSA
  - Others.
- 

*Continued on next page*



---

**515.42****f  
Education  
Assistance  
Funds**

Education assistance funds may be used to fulfill the educational goal and objectives as identified in the education plan. Funds may be used for educational expenses, including:

- Personnel expenses
- Development and publication of education materials

**Note:** Educational materials developed with EQIP funds may be program neutral. Promotion of the program is not the reason for education assistance.

- Expenses associated with training sessions, workshops, on-farm conservation practice demonstrations, and other educational events
- Other reasonable and appropriate expenses.

**Note:** Education assistance funds are not to be used for general information and outreach activities (as identified in section 515.41), for the purchase of personal property, nor for the training of technical assistance providers. For information on how to spend CCC dollars, consult section 515.79.

Where practical, education assistance should be focused on areas and producers where EQIP is used. However, education assistance may be provided to producers who ultimately decide to use other conservation programs, in lieu of EQIP, to implement their conservation plan. Likewise, EQIP education assistance may be used in priority areas where limited or no EQIP financial assistance is used.

Education assistance funds must be obligated by the end of a fiscal year to avoid losing the use of the funds. Obligation of funds can be fulfilled by:

- Directly performing the assistance and earning the payments

**Note:** Earning the payments must be done if NRCS is the education provider.

- Entering into a contract or cooperative agreement with an education provider.





| **This is a blank page.**

|

## Subpart E - Appeals

### 515.50 Overview

---

#### **a** **Introduction**

This subpart describes the appeals process to be used in EQIP and those actions and decisions that are not appealable.

---

## 515.51 Appeals

---

**a**  
**Appeal Process** All EQIP appeals will be handled according to Handbook 1-APP and NFSAM Part 521, Subpart B.

---

**b**  
**Actions Not Appealable** Actions and decisions that are generally applicable to all producers in the Nation, State, or priority area, and are not specifically adverse to a participant, are not appealable in EQIP, such as:

- Payment limits, cost-share payment rates, and incentive payment levels
- Priority area designations
- Designation of significant statewide natural resource concerns
- Funding allocations and decisions.
- Eligible conservation practices
- NRCS conservation practice standards and specifications
- Application ranking criteria
- Deferral of an application
- Procedural decisions relating to program administration
- Science-based formulas and criteria
- Other matters of general applicability.

**Example:** A producer cannot appeal the denial of her/his EQIP application for a specific area if her/his farm is physically located outside a priority area. The designated boundaries of a priority area are generally applicable to all producers of the region.

**c**  
**General Conditions of Appealability** EQIP actions and decisions that are specifically adverse to the participant and are not generally applicable to all producers in the Nation, State, or priority area are appealable.

## 515.52 Reconsideration of Technical Determinations

---

**a**  
**Technical Determinations** NRCS makes technical determinations that are used to determine a participant's overall eligibility for the program (such as land eligibility), and to determine if a participant's offer is eligible to be selected for a contract (including the offer index and acceptability of the conservation plan).

---

**b**  
**Offer-Index Reconsideration Period** NRCS will provide applicants the CCC-1201, Application Evaluation Worksheet, after completing the evaluation. The CCC-1201 includes the participant's notification that he/she has a 10-calendar day period in which to modify program application decisions that might have an effect on the offer-index and subsequent ranking. The 10-calendar day period begins with the issue date of the CCC-1201 which is the date the applicant signs the form. NRCS is to ensure that the 10-calendar day period has lapsed before finalizing the rank of applications.

---

**c**  
**Final Technical Determinations** Initial technical determinations made using the EQIP environmental benefits determination and ranking criteria (according to paragraphs 515.82 - 515.88) are not immediately adverse to the participant until after the FSA county committee awards EQIP contracts from those participants listed on the Application Ranking Report.

**Note:** This ends the reconsideration of technical determination procedure.

Therefore, NRCS determinations relied upon in issuing the Application Ranking Report will be considered as being a Final Technical Determination, and may be relied upon by FSA immediately (see 1-APP, Paragraph 72B). FSA will provide notification of the FSA county committee decision, and will inform the participant of his/her appeal or mediation rights, in accordance with 1-APP.

**Note:** Only those issues that are considered to be appealable will be given appeal rights. See CPM, Part 515, Section 515.51, or 1-APP for those issues considered to be appealable or non-appealable.

---

*Continued on next page*

**515.52****d****County FSA  
Committee  
Decisions**

If the county FSA committee (COC) determines the participant's appeal has merit, the COC shall request, through the State Executive Director, the State Conservationist to review the technical determination. The request shall be in writing, and shall list the reasons why the COC finds merit in the appeal, including any information that may not have been known or considered by NRCS originally. After receiving the State Conservationist's written review of the technical determination, the COC shall issue a final decision on the appeal consistent with the State Conservationist's technical determination.

---

**e****State  
Conservationist's  
Reviews**

The State Conservationist, during a review of an NRCS technical determination, shall take into consideration all information available, including the reasons why the county FSA committee felt that the appeal had merit, in making his/her review determination.

---

## 515.53 Appeals and Decisions

---

### **a** **Levels of Decision Making and Appeal Rights**

A participant must appeal a subordinate employee determination to the county FSA committee (COC) before a National Appeals Decision (NAD) appeal will be accepted.

Subordinate Decision - Decisions made by personnel of FSA and/or the CCC subordinate to the COC, including the decision made by personnel having authority delegated from the COC. A decision made by a subordinate must be appealed to the COC before any other appeal or review rights can be afforded. NRCS final technical determinations for EQIP are considered subordinate decisions, and therefore must be appealed to the COC prior to granting any other appeal rights.

Final Decision - Decisions rendered by the COC or the State FSA committee, when applicable. When the participant is notified of the COC's final decision, the participant will be given the right to:

- request reconsideration to the COC;
- request mediation;
- appeal to the State FSA committee; or

**Note:** This option is available only to appellants that have issues under review other than the NRCS technical determination (such as the denial of CCC program benefits)

- appeal to NAD.
- 

### **b** **Non-technical Determination Appeals**

Appeal and reconsideration of FSA decisions should be handled according to FSA Handbook 1-APP (Rev. 1), paragraph 26, and NRCS NFSAM, Part 521, Subpart B.

---

### **c** **Technical Determination Appeals**

Appeal of NRCS technical determinations should be handled according to FSA Handbook 1-APP (Rev. 1), paragraph 72, and NRCS NFSAM, Part 521, Subpart B.

---

## 515.54 Notification Requirements

---

### **a** **Notification of Non-appealable Issues**

Participants shall be notified by the county FSA committee if they have filed an appeal of a non-appealable issue. The notice shall include:

- the participant's right to request a NAD appealability determination within 30 calendar days of the determination that the issue is not appealable;
- the address of the NAD Regional Director

**Note:** When an appealability review has been requested, and NRCS technical matters are either a part of or the entire basis of the request for the appealability review, it is FSA's responsibility to notify NRCS that a review has been requested.

NRCS must be provided the opportunity to provide NAD information that will support the non-appealability of the issue.

---

### **b** **Appeals in Writing**

The request for appeal or reconsideration shall be in writing from the participant and considered filed, on any one of the following dates, when:

- personally delivered to the FSA service center office;
  - postmarked; or
  - completed facsimile received.
- 

### **c** **Deferred Application - Producer Notification**

A deferred application (in accordance with paragraph 515.82 (l)) is not considered an adverse determination, and is therefore not an appealable issue. However, the decisions that led to the deferral (for example, the offer index) may be appealable. See Handbook 2-CONSV, paragraph 157, for a sample of a deferral letter.

---



## **Subpart F - Program Eligibility**

### **515.60 Overview**

---

#### **a Introduction**

This subpart covers producer and land eligibility.

---

## 515.61 Producer Eligibility

**a**

### **Determine Eligibility**

EQIP eligibility is limited to persons who are engaged in livestock or agricultural production. Use this table to determine EQIP eligibility.

IF an applicant is a....	AND....	THEN....
<p>farmer or rancher who has an interest in the farm or ranch and is either a/an:</p> <ul style="list-style-type: none"> <li>• individual, including a: <ul style="list-style-type: none"> <li>• partner in a general partnership</li> <li>• participant in a joint venture</li> <li>• participant in a similar entity</li> </ul> </li> <li>• corporation</li> <li>• joint stock company</li> <li>• association</li> <li>• limited partnership</li> <li>• estate</li> <li>• irrevocable trust</li> <li>• revocable trust with the grantor of the trust</li> <li>• charitable organization</li> <li>• a business enterprise</li> <li>• a legal entity</li> <li>• a district with taxing authority</li> <li>• any such entity or organization, including a: <ul style="list-style-type: none"> <li>• partner in a general partnership</li> <li>• participant in a joint venture</li> <li>• grantor of a revocable trust</li> <li>• participant in a similar entity</li> </ul> </li> </ul> <p><b>Note:</b> Foreign nationals are eligible.</p>	is an agricultural producer according to paragraph “b”	the applicant is eligible for EQIP benefits.
<ul style="list-style-type: none"> <li>• Federal agency</li> <li>• State or State agency</li> <li>• political subdivision of a State</li> </ul>		the applicant is ineligible for EQIP benefits.

*Continued on next page*

---

**515.61****a****Determine  
Eligibility**  
(Continued)

In order for an individual, entity other than an individual, or entity who is a member of a joint operation to be considered a separate person, in addition to other provisions of this section, the individual or entity must:

- Have a separate and distinct interest in the land or the crop involved
- Exercise separate responsibility for such interest
- Maintain funds or accounts separate from that of any other individual or entity for such interest.

---

*Continued on next page*

---

**515.61****b**  
**Agricultural**  
**Producer**

The following table will be used to determine whether the farmer or rancher is an agricultural producer.

<b>IF the applicant is....</b>	<b>AND....</b>	<b>THEN ....</b>
eligible according to 515.61 (a)	<p>the farm or ranch is used to produce the following:</p> <ul style="list-style-type: none"><li>• Crops such as:<ul style="list-style-type: none"><li>• grains or row crops (including tobacco)</li><li>• seed crops</li><li>• vegetables or fruits</li><li>• hay, forage or pasture</li><li>• orchards or vineyards</li><li>• flowers or bulbs</li><li>• trees or naval stores</li><li>• field-grown ornamentals</li><li>• plant materials</li><li>• plant materials in green houses</li></ul></li><li>• Livestock and other animals for food or fiber such as:<ul style="list-style-type: none"><li>• dairy or beef cattle</li><li>• poultry</li><li>• swine</li><li>• sheep or goats</li><li>• horses</li><li>• fish and other animals raised by aquaculture</li><li>• ostriches or emu</li><li>• other livestock or fowl</li></ul></li><li>• Other livestock or animals that contribute to significant natural resource concerns as determined by the State Conservationist, in consultation with the State Technical Committee.</li><li>• Other agricultural commodities</li><li>• Other crops used for subsistence</li></ul>	the applicant is considered to be an agricultural producer.

## 515.61

### c Subsistence Producers

Individuals and families engaged in agricultural production for subsistence purposes are eligible for EQIP if:

- The production of food and fiber is the primary source of family consumption and use
  - The production of food and fiber is used in barter and trade.
- 

### d Squatters or Tenants by Sufferance

COC shall ensure that a potential participant is an eligible producer according to paragraphs a and b of this section and has legal access to the eligible land.

Determine EQIP eligibility according to this table.

IF the person....	THEN the person is....
has control of the land with the knowledge and consent of the owner	eligible.
is on the land without knowledge and consent of the owner	ineligible.

---

### e Indians and Indian Tribes

Indians and Indian Tribes are eligible producers if:

- The Indian Tribe owns eligible land
- An individual Indian on tribal land is eligible as a person
- An individual Indian on non-tribal land meets the requirements in 515.61 (a) and 515.61 (b)
- An individual having grazing authority on tribal land is eligible as a tenant to perform practices on the land if the lease or permit is issued by an appropriate tribal or Bureau of Indian Affairs official.

**Note:** Tribal land must be eligible according to section 515.62 to be selected for a contract.

---

*Continued on next page*

---

**515.61****f****Cooperative  
Grazing  
Associations  
and Districts**

Regarding cooperative grazing associations and districts:

- Cooperative grazing associations or districts that meet the requirements in paragraph a and b of this section are eligible for assistance

**Note:** If the association or district does not meet the requirements in paragraph a and b of this section, but it serves as a decision-maker on behalf of its members, and the members meet the requirements in paragraph a and b of this section, the association or district is eligible.

- Individual members of grazing associations or districts who have the legal right to graze land owned or leased by an association or district are considered tenants. As such, individual members:
    - Are eligible for assistance
    - Are not eligible for assistance if the association or district also receives EQIP assistance for the same conservation practices.
- 

**g****Clubs and  
Organization  
s**

Clubs and organizations, such as 4-H clubs, FFA, scout troops, and sportsmen clubs, are eligible for assistance if:

- The entity qualifies according to paragraphs a and b of this section
  - An adult who officially represents the organization signs the required forms.
- 

**h****Minors**

A minor is eligible for assistance only if the minor is legally responsible and independently participating in the operation of a farm or ranch as an eligible person. See 1-CM.

---

*Continued on next page*

---

**515.61****i****Organized  
Districts**

Regarding organized districts:

- Producers or groups who are eligible persons and are either members of districts or have land in a district may be eligible on facilities owned by districts
- The district, as a separate and distinct entity from its individual stockholders or members, is eligible for assistance when it qualifies according to paragraphs 515.61 (a) and 515.61 (b).

**j****Person  
Determinations**

- Refer to paragraph 515.118 (f) for making person determinations.

**k****Compliance  
with Highly  
Erodible Land  
and Wetland  
Provisions**

The applicant must be in compliance with highly erodible land and wetland conservation provisions. Refer to paragraph 515.118 (e) for guidance on ensuring applicant is in compliance.

---

*Continued on next page*

---

**515.61****l****Landlord and  
Tenant  
Provisions**

The interests of tenants will be safeguarded so that they may share, on a fair and equitable basis, in EQIP payments.

Do not approve contracts with landlords who:

- Do not give tenants an opportunity to participate in EQIP
- Reduce the number of tenants in anticipation of EQIP participation.

If there is a dispute between landlord and tenant, the COC will not approve the EQIP contract until the landlord and tenant resolve their dispute.

Landlord and tenant provisions do not apply when the tenant:

- was removed for cause as determined by regional attorney according to State law
- left the farm voluntarily without any coercion from the landlord.

**m****Producer  
Eligibility  
Decisions**

FSA is assigned the responsibility of making producer eligibility decisions.



**This is a blank page.**

## 515.62 Eligibility of Land

---

### **a** **Eligible Land**

The following land is eligible:

- Cropland
- Rangeland
- Pasture
- Hayland
- Forestland
- Other land on which crops or livestock are produced, including agricultural land that poses a serious threat to soil, water, air, or related natural resources by reason of:
  - Soil types and characteristics
  - Terrain
  - Topographic characteristics
  - Climate
  - Flood characteristics
  - Saline characteristics
  - Existing agricultural management practices of the applicant
  - Other factors or natural hazards.

To be included in a contract, the land must be in a priority area and have a natural resource concern, or have a significant statewide natural resource concern, according to Part 515, Subpart G.

---

*Continued on next page*

---

**515.62****b****Land  
Ownership  
and Control**

Land may only be considered for enrollment if the land is:

- Privately owned
  - Publicly owned land where:
    - The land is under private control for the contract period and included in the participant's operating unit
    - Installation of conservation practices will contribute to an improvement in the identified natural resource concern
    - The conservation practices will benefit nearby or adjacent agricultural land owned by the participant, and
    - The participant has written authorization from the Government landowner to apply the conservation practices, or
  - Tribal, allotted, ceded, or Indian trust land.
- 

**c****Evidence of  
Control of  
Land**

An applicant must provide satisfactory evidence that control of the land will continue uninterrupted for the contract period. Evidence may include, but is not limited to:

- Deed or other evidence of land ownership
- Lease
- Authorization from the landowner (see paragraph 515.111 (c))
- Historical use of the land.

**Note:** Evidence may already be on file in the FSA or NRCS service center office, and should be referenced

---

*Continued on next page*

---

**515.62****d****Land Under  
Other  
Conservation  
Programs**

Land under other conservation programs which provide program payments is eligible, if EQIP is being used to:

- Treat a different natural resource concern
- Provide a higher or improved level of treatment for a similar natural resource concern than obtained with the other conservation program.

**Note:** A participant is not eligible for EQIP payments on land for which the participant has received cost-share payments or other benefits under the Conservation Reserve Program (CRP) or the Wetlands Reserve Program (WRP). An EQIP contract may be approved on land enrolled in CRP or WRP provided the EQIP practice is not applied on that land until after the CRP or WRP contract has ended.

**e****Land  
Eligibility  
Decisions**

NRCS makes the land eligibility decision.

---

## Subpart G - Selecting Location for Program Delivery

### 515.70 Overview

---

#### a Introduction

This subpart provides guidance on how priority areas and significant statewide natural resource concerns outside funded priority areas are identified and funded. The guidance applies to priority areas or statewide concerns identified at the national, State, tribal, and local level.

---

#### b Definitions

A priority area is a watershed, a subwatershed, an area, or a region that can be geographically described and has specific environmental sensitivities or significant soil, water, or related natural resource concerns. A significant statewide natural resource concern may have characteristics similar to those in a priority area, but the concerns are outside of a funded priority area and are not confined to a geographic area.

---

*Continued on next page*

---

**515.70****c****Identification**

The characteristics of these conditions include but are not limited to:

- Agricultural land that poses a serious threat to soil, water, air, or related natural resources, because of the following characteristics:
  - Soil types and characteristics
  - Terrain and topographic characteristics
  - Climatic conditions
  - Flood hazards
  - Saline characteristics of land or water
  - Environmental sensitivity of the land, such as wetlands and riparian areas
  - Quality and intended use of the land
  - Quality and intended use of the receiving waters, including fishery habitat and source of drinking water supply
  - Wildlife and wildlife habitat quality and quantity
  - Quality of the air
  - Other factors or natural hazards, including:
    - Existing agricultural management practices of producers
    - Pest problems which may threaten natural resources
    - Cultural resource concerns
- Common natural resource concerns that can benefit from a program that maximizes environmental benefits for dollar expended by providing for:
  - Flexible technical, educational, and cost-share and incentive payments to producers who face the most serious threats to natural resources
  - Assistance in complying with Federal and State environmental laws
  - Assistance in making beneficial, cost-effective changes to agricultural practices
- Local participation is able to address resource concerns.

**d****Funding**

Designated priority areas will receive the majority of available funds.

---

## 515.71 EQIP Funding Proposals

---

### **a** **Introduction**

The purpose of the funding proposal is to assemble information used to aid in evaluating and selecting priority areas and significant statewide natural resource concerns. The proposal includes background data, the nature and extent of natural resource concerns, and funding and technical assistance needs. The proposed solutions and outcomes for the priority area or significant statewide natural resource concerns are also included.

---

### **b** **Funding Proposal**

A funding proposal for local or State-level proposals will be prepared by the designated conservationist, based on the input and recommendations of the local work group. A funding proposal for a national conservation priority area will be prepared by the nominating entity as provided in paragraph 515.73(d). The funding proposal will contain the information identified in paragraphs 515.71 (c) through 515.71 (m) of this section, including the source of the information.

When a funding proposal has been submitted and approved for funding according to section 515.72 or 515.73, a new funding proposal is not required for funding approval in a subsequent year.

---

### **c** **Funding Proposal Organization**

The funding proposal may be organized as follows:

- I. Executive Summary
  - II. Introduction
  - III. Background Information
    - A. Land Use
    - B. Farm or Ranch Demographics
    - C. Natural Resource and Environmental Baseline
  - IV. Natural Resource Concerns
  - V. Goals, Objectives, and Expected Impacts
  - VI. Monitoring and Evaluation Plan
  - VII. Existing Assistance Resources Available
  - VIII. Technical, Educational, and Financial Assistance Needs
- 

*Continued on next page*

---

**515.71****d  
General  
Proposal  
Information**

The following information is needed in the funding proposal:

- Proposal Name
  - Proposal Code
  - Proposal Contact Person
  - Date of Request
  - Description of location
  - Map of suitable scale
- 

**e  
Size and Scope**

Provide information about the total size (acres) of the proposal area and the land needing treatment, including private and government-owned land, for the following land uses:

- Cropland (irrigated and non-irrigated)
  - Hayland (irrigated and non-irrigated)
  - Pasture (irrigated and non-irrigated)
  - Rangeland
  - Forestland
  - Wildlife habitat
  - Environmentally sensitive land
  - Urban land
  - Wetland
  - Riparian land
  - Lakes, streams, and estuaries
  - Other land and water.
- 

*Continued on next page*



---

**515.71****f  
Demographics  
and Expected  
Participation**

Briefly describe the farm or ranch demographics of the producers in the proposal area, in total and those expected to participate:

Step	Description
1.	Number of farms or ranches
2.	Number of limited resource producers, tribes and American Indians, Alaskan natives, Pacific Islanders, and minority producers
3.	Types of farms or ranches: <ul style="list-style-type: none"><li>• crop production, including specialty crops</li><li>• livestock production<ul style="list-style-type: none"><li>• type</li><li>• size and number</li><li>• grazing land</li></ul></li><li>• livestock confinements</li><li>• forest products</li><li>• other agricultural products</li></ul>

---

**g  
Natural  
Resource and  
Environmental  
Baseline**

Briefly describe the natural resource and environmental setting and benchmark condition for the following:

- Soil resources, including geologic and topographic features
  - Water resources
  - Air resources
  - Plant resources, including threatened or endangered species
  - Animal resources, including threatened or endangered species
  - Human resources, including cultural resources
  - Climatic information
  - Other natural resource and environmental information.
- 

*Continued on next page*

---

**515.71****h****Natural  
Resource  
Concerns**

Describe the nature and extent of the natural resource concerns in the proposal area, such as:

1. Soil
  - Erosion
  - Condition
  - Sustainability
2. Water
  - Surface water
  - Groundwater
  - Support of designated use (i.e. drinking water, fishing, recreation)
3. Air
  - Quality
  - Condition
4. Plants
  - Grasslands
  - Forestlands
  - Riparian areas
  - Wetlands
  - Threatened and endangered species
5. Animals
  - Livestock (open and confined)
  - Fish and wildlife
  - Threatened and endangered species
6. Human
  - Social
  - Economic
  - Cultural

---

*Continued on next page*

---

**515.71****i****Goals,  
Objectives,  
and Expected  
Impacts**

Briefly describe and quantify the goals, objectives, and expected impacts for the proposed area.

- Include the impacts on the natural resources (including the expected environmental benefits), economic, and social conditions to be achieved by specific target dates
- List the number of contracts expected to be entered each fiscal year, and the average length of contracts
- List the conservation practices to be implemented
- Describe the expected extent of concerns or treatment areas to be treated by conservation practices (percent of each)
- Describe the impact the proposed treatments will have on the ability to meet local, State, tribal, and Federal environmental laws
- Explain how the proposal relates to local, State, regional, and national level strategic plans.

---

**j****Partnership  
Participation**

Describe the existing human and funding resources available to assist with meeting the proposed goals and objectives, including:

- Local producers
  - Describe the commitment and interest of local producers to implement the conservation practices
- Federal, State, tribal, local, and private partners
  - Describe the existing conservation programs available in the area that will help accomplish the goals and objectives
  - Describe the roles and the contributions of other agencies and the private sector in accomplishing the goals and objectives
  - List the financial contributions, staffing resources, and the in-kind services provided by the partners
  - Provide letters of support, cooperative agreements, or other information to document partner participation.

---

*Continued on next page*

---

**515.71****k  
Performance  
Indicators and  
Anticipated  
Conservation  
Practices**

Identify the performance indicators for the proposal, including:

- List the conservation management systems or conservation practices that will be emphasized to resolve the natural resource and environmental concerns
  - Identify the expected amounts to be applied during the funded life of the proposal.
- 

**l  
Monitoring and  
Evaluation**

Provide information on how the proposal will be:

- Monitored
  - Measured for implementation
  - Evaluated
- 

**m  
Technical,  
Educational, &  
Financial  
Assistance  
Needs**

Describe the technical, educational, and financial assistance needed to be provided with EQIP in the priority area, including:

- Technical assistance funds needed for NRCS staff, by fiscal year
  - Type of educational assistance and funds needed, by fiscal year
  - Financial assistance funds needed, by fiscal year
  - Describe the training needed for non-NRCS persons, by fiscal year
  - Identify the percent of the total program assistance funds that will be targeted to livestock-related natural resource concerns, by fiscal year
  - Describe the cooperative agreements that are expected to be entered with conservation districts, Cooperative Extension Service, or other agencies and groups to provide technical or educational assistance.
-

## 515.72 Priority Area Selection Process

a

### Phases in the Process

The selection of priority areas will be accomplished in the following phases:

Phase	Activity
1	NRCS National Office provides guidance to State Conservationists on priority area selection. The Director, Conservation Operations Division (COD), may use recommendations of a national interagency team to develop the guidance.
2	The State Conservationist convenes the State Technical Committees to obtain recommendations for additional criteria and guidance for priority area proposals and processes to be used at the local and tribal level.
3	Conservation Districts convene local work groups to determine the need for a priority area(s) where conservation activities can be emphasized, to determine producer interest, and to recommend priority area(s) to the designated conservationist.
4	The designated conservationist prepares the priority area proposal with the assistance of the local work group and submits the proposal to the State Conservationist.
5	The State Conservationist requests the State Technical Committee to review priority area proposals submitted and to make recommendations on priority area selection and ranking.
6	The State Conservationist approves and ranks priority areas.
7	The State Conservationist forwards approved priority areas to the Regional Conservationist for inclusion in the regional strategic plan and to verify that they meet program guidance and will meet program goals and objectives.
8	The State Conservationist submits funding requests for the approved priority areas to the Director, COD.
9	The Director, COD, may use recommendations of a national interagency team and Regional Conservationists to determine appropriate funding levels. The Deputy Chief for Programs makes the funding decisions, with FSA concurrence.

*Continued on next page*

---

**515.72****b****National  
Guidance**

The criteria which will be used to select priority areas will consider but not be limited to such factors as:

- Significance of the environmental and natural resources conditions and characteristics, such as described in paragraph 515.70 (c)
- Areas of special environmental sensitivity
- The need to maximize environmental benefits per dollar expended
- The capability of the partners involved in the proposal to provide flexible technical, educational, and financial assistance
- Expected improvements to the natural resource conditions
- The opportunity to encourage environmental enhancement
- The conservation needs of producers in complying with highly erodible land and wetland conservation provisions, and the requirements of Federal, State, tribal, and local environmental laws
- Expected producer participation level and local level support
- Estimated program cost to provide technical, educational, and financial assistance
- Commitment of existing State and local programs to be contributed
- The anticipated and past performances of partners who will deliver the program.

**c****State  
Guidance**

The State Conservationist convenes the State Technical Committees to obtain recommendations for additional criteria and guidance for priority area proposals and processes, based on State conditions and priorities, to be used at the tribal and local level, in addition to those identified in paragraph 515.72 (b).

Other factors which could be considered for priority area selection include:

- Special environmental concerns of State importance
- Ability to supplement existing State programs
- Existence of broad-scale or areawide conservation plans
- Known success of other programs
- Availability of support at the State, tribe, or local level
- Need for special conservation practices, including new or innovative practices
- Ability to implement assistance in a timely manner.

**Note:** Criteria, factors, and guidance to be used must be documented to ensure accurate and consistent interpretation.

*Continued on next page*

---

**515.72****d  
District  
Convenes Local  
Work Group**

The Conservation District convenes a local work group to:

- Determine the need for a priority area(s) where conservation activities can be emphasized
- Determine producer interest
- Recommend priority area(s) to the designated conservationist.

**Note:** Refer to 515.32 (c) for instructions of what occurs in the absence of the Conservation District.

---

**e  
Locally Led  
Planning and  
Decisions**

When considering the need for a priority area(s) the local work group should consider the findings of a comprehensive conservation needs assessment of the local natural resources. The local work group will consider:

- Criteria established at the national and State levels
  - Other factors of concern at the local level, such as:
    - Special environmental concerns of local importance
    - Ability to supplement existing local programs
    - Existence of broad-scale or areawide conservation plans
    - Availability of support at the local level.
- 

**f  
Duties of the  
Designated  
Conservationist**

The designated conservationist:

- Prepares a priority area proposal with local work group assistance
  - Submits the proposal to the State Conservationist.
- 

*Continued on next page*

---

**515.72****g  
State  
Conservationist's  
Responsibilities**

The State Conservationist requests the State Technical Committee to:

- Review priority area proposals submitted
- Make recommendations on priority area selection and ranking using criteria developed at the national and State level.

The State Conservationist:

- Approves priority areas
  - Ranks priority areas for funding purposes
  - Forwards approved priority areas to the Regional Conservationist for inclusion in regional strategic plan
  - Submits funding requests for approved priority areas to the Director, Conservation Operations Divisions.
-



## 515.73 National Conservation Priority Areas

---

### **a** **Purpose**

The purpose for designating a national conservation priority area for EQIP is to provide technical assistance, cost-share payments, incentive payments, and education for producers to:

- Comply with non-point source pollution requirements
  - Comply with other Federal, State, or tribal environmental laws
  - Address multi-state natural resource concerns
  - Meet other conservation needs
  - Meet other national objectives.
- 

### **b** **Benefits**

The benefits for designating a national conservation priority area are to:

- Link EQIP with the Conservation Reserve Program and/or the Wetland Reserve Program to common areas to further maximize the environmental benefits per dollar expended
  - Enhance the local and State priority area efforts by combining, linking, or filling gaps between areas.
- 

### **c** **Criteria for Designation**

NRCS will use criteria to designate national conservation priority areas considering, but not limited to, such factors as:

- Significance of the environmental and natural resources conditions and characteristics, such as described in 515.70 (c)
  - Expected improvements to the natural resources condition
  - Expected producer participation level and local level support
  - Program cost to provide technical, educational, and financial assistance
  - Commitment of existing State and local programs, including private sources, to be contributed
  - Assisting producers in complying with Federal, State, tribal, and local environmental laws
  - Ability to link EQIP with the Conservation Reserve Program or Wetland Reserve Program in a common area to further maximize the environmental benefits per dollar expended in each program
  - Ability to enhance the local and State priority area efforts by combining, linking, or filling gaps between areas.
- 

*Continued on next page*

---

**515.73****d  
Nominations**

Nominations for national conservation priority areas may be received by NRCS from:

- Federal agencies
- State governments and agencies
- Local governments and agencies
- Indian tribes
- Private groups or entities.

Nominations will include information as described in section 515.71.  
Nominations will be submitted to the Director, Conservation Operations Division, NRCS.

---

**e  
Interagency  
Consultation**

The Director, Conservation Operations Division, NRCS, and the Director, Conservation and Environmental Protection Division, FSA, may convene the national interagency team of Federal agencies to:

- Recommend criteria for designation
  - Recommend national program objectives
  - Recommend national conservation priority areas for designation.
- 

**f  
Approval**

National conservation priority areas will be approved jointly by the NRCS Deputy Chief for Programs and the FSA Deputy Administrator for Farm Programs.

---

## 515.74 Meeting Significant Statewide Natural Resource Concerns Outside of Priority Areas

---

### a Introduction

A significant statewide natural resource concern may have characteristics similar to those in a priority area, but the concerns are outside of a funded priority area and are not confined to a geographic area. EQIP funds may be provided to address these natural resource concerns.

The selection of significant statewide natural resource concerns will be accomplished in the following manner:

Phase	Activity
1	The NRCS National Office provides guidance to the State Conservationist on selecting significant statewide natural resource concerns. The Director, Conservation Operations Division (COD), may use recommendations of a national interagency team to develop the guidance.
2	The State Conservationist convenes the State Technical Committee to obtain recommendations for additional criteria and guidance for significant statewide natural resource concerns.
3	Local work group(s) may recommend to the State Conservationist significant natural resource concerns.
4	The State Technical Committee reviews and makes recommendations on significant statewide natural resource concerns that need EQIP assistance.
5	The State Conservationist approves significant statewide natural resource concerns.
6	The State Conservationist forwards approved significant statewide natural resource concerns to the Regional Conservationist for inclusion in the regional strategic plan.
7	The State Conservationist submits funding requests for the approved significant statewide natural resource concern proposals to the Director, COD.
8	The Director,COD, may use recommendations of a national interagency team and Regional Conservationists to determine appropriate funding levels. The Deputy Chief for Programs makes the funding decisions, with FSA concurrence.

*Continued on next page*

---

**515.74****b****Purposes**

The purposes for using EQIP outside priority areas are to:

- Assist producers in complying with environmental laws, including non-point source pollution requirements
- Provide program assistance to improve environmental conditions and meet other conservation needs
- Maximize the environmental benefits per dollar expended
- Enhance State, tribal, or local efforts
- Promote the wide-spread adoption of cost-effective, special emphasis conservation practices that deal with a problem(s)
- Provide EQIP funds in non-funded approved priority areas.

**Note:** A purpose is not to establish a base program for each State or county.

---

**c****National  
Guidance**

The criteria, which will be used to determine the significant statewide natural resource concerns to be addressed outside priority areas will be considered, but not be limited to such factors as:

- Significance of the environmental and natural resources conditions and characteristics, such as described in 515.70 (c)
  - The need to maximize environmental benefits per dollar expended
  - The capability of the partners involved in the proposal to provide flexible technical, educational, and financial assistance
  - Expected improvements to the natural resource conditions
  - The opportunity to encourage environmental enhancement
  - The conservation needs of producers in complying with highly erodible land and wetland conservation provisions, and the requirements of Federal, State, and tribal environmental laws
  - Expected producer participation level and local level support
  - Estimated program cost to provide technical, educational, and financial assistance
  - Commitment of existing State and local programs to be contributed
  - The anticipated and past performances of partners who deliver the program
  - Establishment of activities that promote the wide-spread adoption of cost-effective, special emphasis conservation practices that deal with a problem(s).
- 

*Continued on next page*

---

**515.74****d****State Guidance**

The State Conservationist convenes the State Technical Committee to obtain recommendations for additional criteria and guidance for significant statewide natural resource concerns to be addressed outside a priority area, based on State conditions and priorities, in addition to those identified in paragraph 515.74 (c).

Other factors which could be considered include:

- Special environmental concerns of State importance
- Ability to supplement existing State programs
- Availability of support at the State or local level
- Need for special conservation practices, including new or innovative practices and cost-effective practices that need to be widely adopted.

**Note:** Criteria, factors, and guidance to be used must be documented to ensure accurate and consistent interpretation.

---

**e****Selecting  
Significant  
Statewide  
Natural  
Resource  
Concerns**

The State Conservationist requests the State Technical Committee to:

- Make recommendations on significant statewide natural resource concerns using criteria developed at the national and State level.

The State Conservationist:

- Selects significant statewide natural resource concerns
  - Determines funding needs to address the priority concern(s)
  - Forwards significant statewide natural resource concern proposals to the Regional Conservationist for inclusion in the regional strategic plan
  - Submits significant statewide natural resource concern proposals to the Director, Conservation Operations Division, for funding decisions.
- 

**f****Relationship to  
Priority Areas**

Funds available for significant statewide natural resource concerns may not be used within funded priority areas.

---

## 515.75 Funding Decisions

---

### **a** **Introduction**

The following general criteria and other factors may be used when making funding decisions:

- Significance of the environmental and natural resources conditions and characteristics, such as described in 515.70 (c)
  - Areas of special environmental sensitivity
  - The need to maximize environmental benefits per dollar expended
  - The capabilities of the partners, who are involved in the proposal, to provide flexible technical, educational, and financial assistance
  - Expected improvements to the natural resource conditions
  - The opportunity to encourage environmental enhancement
  - The conservation needs of producers in complying with highly erodible land and wetland conservation provisions, and the requirements of Federal, State, tribal, and local environmental laws
  - Expected producer participation level and local level support
  - Estimated program cost to provide technical, educational, and financial assistance
  - Commitment of existing State, tribal and local programs who will contribute
  - The anticipated and past performances of partners who deliver the program.
- 

### **b** **Funding Decision Criteria**

The criteria will consider but not be limited to such factors as:

#### **Environmental Benefits**

- Extent of agricultural contributions to the natural resource problem(s)
  - Extent of livestock production contribution to the natural resource problem(s)
  - Extent the program will help meet Federal, State, or tribal environmental laws
  - Extent the natural resource problems will be decreased by cost-effective land management, vegetative, and structural conservation practices
  - Extent the program will maximize environmental benefits per dollar spent
  - Value of environmental enhancements and conservation benefits achieved.
- 

*Continued on next page*

---

**515.75****b**  
**Funding**  
**Decision**  
**Criteria**  
(Continued)

---

**State and Local Partner Contributions**

- Cooperation and extent of public and private sponsor involvement
- Financial contributions from State, local, and private sources to assist the program achieve the identified goal and objectives
- Technical assistance and educational assistance contributions, especially in-kind assistance, from State, local, and private sources to assist the program achieve the identified goal and objectives.

**Participation**

- Percent of producers willing to adopt land management, vegetative and structural conservation practices, with an emphasis on cost-effectiveness
- Percent of land to be treated that addresses sensitive environmental areas
- Outreach activities and equitable program access to minorities, Tribes, Alaskan Natives, Pacific Islanders, small-scale and limited resource producers.

**Technical, Educational, and Financial Assistance**

- Proposals which maximize environmental benefits per dollar spent
- Total technical and educational assistance funds needed
- Total financial assistance funds needed
- Additional staff needed to implement EQIP (not existing at the local level).

**Note:** State and local contributions receive higher weight.

---

**c**  
**Interagency**  
**Consultation**

The Director, Conservation Operations Division, may consider the national interagency team recommendations for funding decisions on:

- Priority areas submitted by State Conservationists
  - National conservation priority areas
  - Significant statewide natural resource concerns submitted by State Conservationists.
- 

*Continued on next page*

---

**515.75****d****Funding  
Decisions**

The NRCS Deputy Chief for Programs and the FSA Deputy Administrator for Farm Programs will determine funding levels for national conservation priority areas.

The State Conservationist, with the concurrence of the FSA State Committee and, after consultation with the State Technical Committee, will determine funding levels for:

- Priority areas approved by State Conservationist which meet national program guidance
- Significant statewide natural resource concerns approved by the State Conservationist which meet national program guidance.

The Deputy Chief for Programs determines the funding levels to be allocated to the States, with FSA concurrence, considering such information as:

- The environmental and natural resource conditions across the Nation
- Recommendations of the national interagency team
- Recommendations from NRCS staff and Regional Conservationists
- Information contained in funding proposals
- Other credible information.

**Note:** Fifty percent of the available program funds will be targeted for conservation practices to address natural resource concerns relating to livestock production.

---



## 515.76 Allocation Process

---

### **a** **State** **Allocations**

States are officially notified on the CCC-357 of the State EQIP allocation after funds are appropriated and apportioned. This is the amount authorized for EQIP obligations during the current fiscal year.

State Conservationists will determine the distribution of funds to approved priority areas and significant statewide natural resource concerns, considering the advice of the State Technical Committee, and with the concurrence of the State FSA Committee.

---

### **b** **Priority Areas** **and Significant** **Statewide** **Natural** **Resource** **Concerns**

An allocation will be made for priority areas and for significant statewide natural resource concerns.

To expedite obligating funds and provide States with greater flexibility, State Conservationists, with State FSA Committee concurrence, are authorized to shift funds at the State level, and in the same fiscal year, between approved priority areas and/or significant natural resource concerns.

---

### **c** **Prior Year** **Contract** **Modifications**

Refer to paragraph 515.77 (e) for guidance on allocations for prior year contract modifications.

---

### **d** **De-obligation** **of Prior Years** **Funds**

Once funds are de-obligated from a prior fiscal year contract, as a result of a termination or slippage, these funds shall not be used on any other contract. FSA de-obligates excess funds in a contract at the end of the contract period, in consultation with NRCS. FSA Service Center Offices shall return de-obligated prior year funds when notified to do so by the FSA State Office.

---

### **e** **Allocation** **Control**

The procedures for automated processing of allocation control ledgers, contract approvals, payments, and de-obligation of funds are contained in Handbook 2-CONSV.

---

## 515.77 Reserves

---

### **a National Reserves**

Any reserve funds held at the national level will be distributed to States as determined by the NRCS Deputy Chief for Programs, with FSA concurrence.

---

### **b State Reserves for NRCS**

FSA State Committees will not reserve EQIP funds for transfer to NRCS for technical assistance. Transfer to NRCS will occur at the national level.

---

### **c State Reserves for Future Allocations**

The State Conservationist, with State FSA Committee concurrence, may reserve funds, within approved fund codes, for future allocations to FSA county offices.

---

### **d County Reserves**

Funds may be reserved for subsequent application periods, within approved fund codes.

---

### **e Prior Year Contract Modification Reserve**

A national reserve for each applicable prior program year will be available for eligible contract modifications which may increase obligations to a contract. FSA shall notify the NRCS designated conservationist and the FSA State Office when there is a need for additional funds in a contract due to eligible contract modifications. The State Executive Director shall submit requests for these additional funds to the Director, Conservation Operations Division, NRCS, for processing. Refer to section 515.112 for the eligible contract modifications which may increase obligations to a contract.

---

a

**Allocation  
Determinations  
to County Level**

The State Conservationist, with FSA State Committee concurrence, will make allocation determinations. The State FSA Committee may issue the EQIP allocation to the appropriate service center for a single-county priority area upon receipt of the CCC-357. The State FSA Committee may issue the EQIP allocations to the appropriate service centers that have multi-county priority areas or significant statewide natural resource concerns after application final ranking and determination of contract needs.

Once initial allocations are made, State Conservationists, with FSA State Committee concurrence, are authorized to shift funds at the state and county level between any approved fund code for priority areas, significant statewide natural resource concerns, or for current year contract modifications to expedite obligating of funds and meet priority demands for contracts. The NRCS state office will periodically inform the NRCS national program manager when fund shifts have been made.

**Note:** The FSA service center office shall take no action to record, increase, or decrease allocations on ledgers in any fund code until authorization is received from the State FSA office.

b

**Multi-County  
or Multi-State  
Priority Area  
Allocation  
Method**

Where priority areas are multi-county or, multi-State, the funds shall be held in a State reserve until such time as contract needs are determined by the specific ranking process and agreement is reached on funds distribution.

c

**Significant  
Statewide  
Natural  
Resource  
Concerns**

Where applications for significant statewide natural resource concerns are submitted, allocations shall be held in a State reserve until such time as contract needs are determined by the specific ranking process and agreement is reached on funds distribution.

**Exception:** Where unique circumstances occur in the State, initial allocations may be made to an area, subregion, watershed, basin, county, or other portion of the State if funding decisions are based on natural resource and environmental conditions.

## 515.79 CCC Funding Requirements

---

### **a** **Obligations Limited to Authorized Funds**

The State FSA Committee will ensure that program allocations do not exceed the authorized levels.

- To ensure that funds are being used effectively, the State FSA Committee, in conjunction with NRCS, will periodically review the progress of statewide obligations and earnings, and make recommendations to the State Conservationist for adjustments.
  - As determined by the State Conservationist, and concurred by the State FSA Committee, the State FSA Committee will adjust county allocations and revise the budgeting of funds.
- 

### **b** **Do Not Over- Obligate**

Over-obligation of EQIP funds is prohibited.

---

### **c** **Unobligated FY EQIP Funds**

Funds allocated in a fiscal year can only be obligated that fiscal year. In order to ensure accountability, unobligated funds are to be returned to the FSA State Office by COB September 30.

---

### **d** **Payment Authorization and Delayed Payments**

Payment for conservation practice performance cannot be made during the same fiscal year in which the contract was approved. Contract payments cannot be made until October 1 of the fiscal year following the fiscal year of contract approval. Contract payments in subsequent fiscal years of contract approval are to be promptly paid upon receipt of the required practice performance documents and applicable supporting documentation.

---

### **e** **Prompt Payment**

Payments are subject to prompt payment provisions contained in Handbook 61-FI.

---

*Continued on next page*

---

**515.79****f****Restrictions on  
Purchasing  
Personal  
Property**

The 1996 Act imposed a statutory restriction on purchasing personal property with CCC funds. Personal property includes equipment, supplies, gas for vehicles, pens, chairs, desks, etc. In this case, personal property is everything except real estate and service contracts.

---

**g****Limit on  
Automated Data  
Processing  
Purchases**

The 1996 Act also limits contracts by CCC for equipment or services relating to automated data processing, information technologies, or related items (including telecommunications equipment and computer hardware and software) to \$170 million in 1996 and not more than \$275 million in the 6-fiscal year period starting October 1, 1996, unless other amounts are appropriated.

Therefore, NRCS should not enter into contracts at the Regional, State, or field level utilizing CCC funds for the purchase of equipment or services relating to automated data processing, information technologies, or related items without first receiving approval from the NRCS Deputy Chief for Programs. National Office will coordinate with other USDA agencies implementing programs on behalf of CCC to determine the amount of CCC funds which can be utilized within NRCS for these purposes.

---

**This is a blank page.**

# **Subpart H - Contract Application Acceptance and Evaluation**

## **515.80 Overview**

---

### **a Introduction**

This subpart covers the acceptance and evaluation of applications.

---

## 515.81 Application Acceptance

---

### a Continuous Application Acceptance

EQIP applications will be accepted on a continuing basis throughout the year to ease the burdens on potential applicants, to accommodate variable conservation planning processes, and to even-out the workload over a period of time.

---

### b Application Periods

Application periods will be used to accumulate applications for subsequent ranking. NRCS, in consultation with the State Technical Committee and local work groups, will determine the periods of time in which applications will accumulate prior to ranking. Application periods may:

- Be used to address a specific resource concern
- Be used for applications from a special constituency
- Coincide with anticipated practice implementation dates, schedules, or other aspects.

At the end of an application period, the applications received will be batch-processed for the purposes of evaluating, ranking, and selecting applications for contract development.

**Note:** Sufficient time should be provided to enable high quality processing of applications prior to the end of a fiscal year. Application processing activities should be scheduled so that contract approvals occur on or about September 1, to the greatest possible extent.

---

### c Announcing Application Periods

The application period will be timely announced by NRCS, FSA, the County FSA Committee, and the Conservation District in joint announcements and news releases to :

- All producers in the priority area or areas where significant statewide natural resource concerns exist
  - Interested Government agencies
  - Agricultural organizations
  - News media sources.
- 

*Continued on next page*



---

**515.81****d  
Information  
Methods**

The announcement of EQIP application periods, information, and provisions to the public will be made by using available information methods to the fullest extent practicable. Such methods include, but are not limited to the following:

- Newsletters (USDA service center, Conservation District, State agricultural and conservation agencies, private organizations, etc.)
  - Radio
  - Newspapers
  - Agricultural and environmental publications
  - Television
  - Local community meetings
  - Other suitable methods.
- 

**e  
Information  
Emphasis**

Information efforts should include the following information:

- EQIP purposes and objectives
  - Identification of eligible areas
  - Application period duration
  - Conditions under which assistance is available
  - Description of program benefits and practices available
  - How to apply for program benefits
  - Where to apply
  - Land and producer eligibility requirements
  - Payment information
  - Participant responsibilities
  - Participant's opportunity to improve offer index and the 10-day timeline to modify the decision of acceptable program payments
  - Starting a practice prior to receiving written approval by the County FSA Committee is at the applicant's own risk of being ineligible for payments, unless granted a waiver.
- 

**f  
Program  
Availability**

The official USDA nondiscriminatory statement shall be included on all information and announcements to the public.

---

*Continued on next page*

---

**515.81****g  
Filing  
Applications**

Applicants may apply by completing the CCC-1200 application form and submit in person, by phone, e-mail, fax, or letter, to any local NRCS, FSA, or Conservation District employee or office. Other agricultural or natural resource agencies, such as Cooperative Extension Service, may assist with accepting applications. This application form will also serve as the CCC contract for those applicants approved for financial assistance. (See paragraph 515.82 (b) for guidance on forwarding applications to FSA.)

Applicants may request program assistance by submitting an application at any time during or between application periods. Applications taken between application periods will be held in the FSA service center office and processed at the end of the next application period, regardless of whether the next application period occurs in the current fiscal year or subsequent fiscal year.

**Note:** If the priority area or significant statewide natural resource concern for which the application was submitted, but not ranked, is not funded in the subsequent fiscal year, the application shall be disapproved.

---

**h  
Application  
Availability**

Application forms (in hard copy format) will be available in USDA service centers (including FSA and NRCS) and conservation district offices, as well as an automated application format at the FSA service center office. The receiving agency will indicate with each application:

- Agency receiving the application
- Name of the specific priority area or the significant statewide natural resource concern(s) for which the application is submitted
- Date the application was received.

For each application the receiving agency will ensure the following entries are completed:

- Applicant's name, address, and telephone number
- Applicant's social security number
- Farm and tract number, if known
- Signature and date block.

**Note:** Refer to section 515.131 for an example of an application.

---

*Continued on next page*

## **515.81**

**i**

### **Accepting Written or Telephone Requests**

The receiving agency shall take the information needed to complete the request according to paragraph 515.81 (h). When requests are received by telephone, fax, e-mail, or letter, the receiving agency will manually prepare an application form, date it, and indicate on the form how it was received. The FSA service center office shall enter the information into the computer and inform the applicant to come to the office or otherwise make arrangements to sign and date the application. Applications received by facsimile machine shall be accepted according to Handbook 1-CM paragraph 1008. Signature and date must be received according to paragraph 515.81 (j).

---

**j**

### **Signature Requirement**

The applicant's signature and date are required on the form CCC-1200 and appendix. The signature may be obtained either at the time application is submitted or subsequently by FSA. All signatures must be received by the FSA service center office no later than COB of the application period ending date in order for the application to be processed for that application period. If signature(s) cannot be obtained, the applicant will be informed by FSA the application can not be processed.

See paragraph 515.111 (c) and Handbook 1-CM, Part 32, for additional signature requirements.

---

**k**

### **Assisting Applicants in Filing**

All agencies taking applications will assist the applicants in completing forms, providing available fact sheets, and explaining program policies and procedures, especially those items identified in paragraphs 515.81 (e) and 515.118 (b).

---

*Continued on next page*

## 515.81

### I Starting Practices

Starting a practice before the contract is approved by the county FSA committee causes the applicant to be ineligible for EQIP financial assistance for that practice, unless a waiver is granted. State Conservationists, with FSA State Committee concurrence, may grant waivers of this provision, in special cases for meritorious reasons, if the practice has not been started at the time of application. Meritorious reasons may include:

- To alleviate imminent and significant environmental problems
- To prevent endangerment to life or property
- Unusual weather conditions
- Delays by CCC, such as application processing, conservation plan acceptance, and contract approval.

An applicant must be granted the waiver before starting the practice to remain eligible, otherwise the producer is ineligible to receive financial assistance for the practice.

All agencies assisting applicants shall ensure that applicants are notified that starting a practice after submitting an application, but prior to receiving written contract approval by the county FSA committee, is at the applicant's own risk, whether a waiver has or has not been granted. Applicants, who have been granted a waiver, shall be informed that they may be ineligible to receive payments if any of the following occurs:

- The contract is not approved
- The practice does not meet NRCS standards and specifications
- The requested practice is not included in the approved conservation plan.

FSA service center offices will notify applicants, in writing, of contract approval, or application disapproval, or deferment according to section 515.82 and Handbook 2-CONSV.

---

*Continued on next page*

---

**m**  
**Successor-in-  
Interest to an  
Application**

If there is a change in the control of land after an application is made by an original applicant, before a contract is approved, the NRCS and FSA may process the successor-in-interest=s application within the application period that the original application would have been processed, provided the following:

- the successor-in-interest is eligible, and
- the successor-in-interest=s application does not reduce the rank determined for the original application.

If the successor-in-interest=s application does reduce the rank, the application should be considered as an entirely new application for consideration in the subsequent application period.

---

## 515.82 Processing Applications

---

### **a Flexible Processing of Applications**

This section outlines the steps for processing applications. The process may be modified to provide accurate, high quality, and timely service to producers. Modifications to the process that are consistent with the program regulations, such as changing the number of working days to perform a step, may be adopted in a State if approved by both the State Conservationist and the State Executive Director. Modifications to either process or procedure that are inconsistent with the program regulations shall not be made.

This manual should be supplemented to reflect the modified process.

---

### **b Forwarding Applications to FSA Service Center Office**

The original copy of all CCC-1200 forms received by NRCS, Conservation Districts, or other approved application agencies shall be forwarded to the appropriate FSA service center office no later than 5 work days following the date of receipt.

No later than 5 work days after the end of each application period, all remaining applications received shall be forwarded to the appropriate FSA service center office.

If FSA receives applications for land areas that are administratively handled by FSA at more than one USDA service center office, FSA will prepare a separate application for each FSA administrative area and forward the applications to FSA at the appropriate USDA service center.

---

*Continued on next page*

---

**515.82****c****Initial  
Handling of  
Applications  
by the FSA  
Service  
Center Office**

Upon receipt, the FSA service center office will date stamp each application and ensure that all required items are completed. If necessary, FSA will ensure completion or correction of applications that contain missing or illegible information through telephone calls, or the most expedient means available, to the receiving agency or the applicant. Any modifications to an application shall have the authorization of the participant, and shall be initialed by the authorized FSA employee.

---

**d****Sorting of  
Applications**

The FSA service center office will sort all applications by priority area or by significant statewide natural resource concern.

On a weekly basis, the FSA service center office will:

- Update name and address records, if needed
  - Create farm and tract numbers, if needed
  - Collect person determination data on applicable CCC-502 form
  - Initiate form AD-1026
  - Enter application data from the forms into the System-36 according to 2-CONSV. After entering all applications, the FSA service center office will print "CCC-1200's Referred for Ranking Report" (Report EEB710-R001), which will list applicant information, according to 2-CONSV.
- 

*Continued on next page*

---

**515.82****e****Automated  
EQIP  
Application  
Reports During  
Application  
Period**

After Report EEB710-R001 has been printed separately for applications for each priority area and for significant natural resource concerns, the county FSA committee will:

- Make producer eligibility determinations according to section 515.61. Applicants determined ineligible by the county FSA committee will be disapproved, their applications disapproved in the system, and promptly sent disapproval letters.
  - Direct the FSA service center office to forward copies, on a weekly basis, of all applicable Reports EEB710-R001 to the servicing NRCS office for application evaluation. For FSA service center offices that provide administrative assistance for land areas that are served by more than one NRCS office, FSA will provide separate reports to the appropriate NRCS office(s).
- 

**f****Final Report**

FSA will provide a final copy of all applicable Reports EEB710-R001 to the appropriate NRCS office(s) within 10 work days after the end of an application period. FSA shall ensure the final report includes all applications submitted to the FSA service center office prior to the end of the application period, and any applicable deferred applications from the previous application period. All copies of this report will be signed by the CED, or designee. NRCS will use the report to provide application evaluation information to FSA, according to paragraph 515.82 (g).

---

*Continued on next page*



---

**515.82****g  
NRCS  
Application  
Evaluation  
Actions**

NRCS will perform the following actions while processing applications:

STEP	ACTION
1	<p>NRCS will conduct application evaluations for each application listed on Report EEB710-R001 according to sections 515.83 through 515.88, and provide to FSA the following:</p> <ul style="list-style-type: none"><li>• Land eligibility determination</li><li>• Rank of each eligible application</li><li>• Offer index</li><li>• Estimated total contract cost</li><li>• Payment rate or level selected by the applicant.</li></ul> <p><b>Exception:</b> Where screening of applications occurs according to paragraph 515.83 (d), the above information is not required for applications in a lower category that are not evaluated or ranked.</p> <p><b>Note:</b> Payment levels may not be changed by applicants after NRCS provides this information to FSA.</p>
2	<p style="text-align: center;"><b>For Single County Priority Areas</b></p> <p>NRCS will compile and send the final application reports to the originating FSA service center office within 45 working days after receipt.</p>

---

*Continued on next page*

---

**515.82****g  
NRCS  
Application  
Evaluation  
Actions  
(Continued)**

STEP	ACTION
2	<p data-bbox="548 590 1247 663"><b>For Multi-County / Multi-State Priority Areas and Significant Statewide Natural Resource Concerns</b></p> <ul data-bbox="354 688 1425 1178" style="list-style-type: none"><li data-bbox="354 688 1425 842">• The NRCS designated conservationist in each county of the priority area, or with significant statewide natural resource concerns, will compile and send the initial application ranking report for the county to the coordinating designated conservationist for the multi-county priority area or statewide concern.</li><li data-bbox="354 867 1425 978">• The coordinating designated conservationist assembles the information from the initial application ranking reports and develops a final application ranking report.</li><li data-bbox="354 1003 1425 1077">• The final application ranking report is sent the the NRCS State Conservationist for review and approval.</li><li data-bbox="354 1102 1425 1178">• The NRCS State Conservationist forwards a copy of the final application ranking report to the FSA State Office.</li></ul> <p data-bbox="443 1199 1385 1312"><b>Note:</b> If a county has more than one priority area or significant statewide natural resource concern, a separate application ranking report will be prepared for each.</p>

See section 515.139 for a sample application ranking report completed by NRCS. A separate application ranking report will be prepared for each priority area and for each significant statewide natural resource concern.

---

*Continued on next page*

---

**515.82****h  
Selecting  
Applications  
for  
Conservation  
Plan  
Development**

To select the applications which should have a conservation plan developed and submitted, FSA will ensure the following steps are taken within 10 working days of receiving final application ranking report(s) from NRCS:

STEP	ACTION	
1	<b>For Single County Priority Areas</b> <ul style="list-style-type: none"><li>• The FSA State Office allocates funds to FSA service center offices</li><li>• Go to Step 2.</li></ul>	<b>For Multi-County / Multi-State Priority Areas and Significant Statewide Natural Resource Concerns</b> <ul style="list-style-type: none"><li>• The FSA State Office reviews final application ranking report</li><li>• The FSA State Committee allocates funds to FSA service center offices based on final application ranking report, in consultation with the NRCS State Conservationist</li><li>• Go to Step 2.</li></ul>
2	<ul style="list-style-type: none"><li>• The county FSA committee reviews the NRCS ranking of applications based on the information provided for each eligible application</li><li>• Identify the application(s) for conservation plan development based on:<ul style="list-style-type: none"><li>• ranking</li><li>• available funds.</li></ul></li></ul>	
3	FSA notifies each applicant of the status of application(s) (see Handbook 2-CONSV). Notification includes the following: <ul style="list-style-type: none"><li>• Record in the system determinations for all applications, whether selected for plan development, deferred, or disapproved</li><li>• Print and send letters to applicants notifying them of the determination made</li><li>• Print and forward to NRCS, "CCC-1200's Selected for Plan Development Report" (Report EEB710-R002), which lists all applications for which conservation plans need to be developed.</li></ul>	

The county FSA committee will document, in the meeting minutes, determinations for all applications, whether selected for conservation plan development, deferred, or disapproved in accordance with section 515.118.

**Note:** Refer to paragraph 515.82 (l) for deferred applications and paragraph 515.82 (m) for disapproved applications.

---

*Continued on next page*

---

**515.82****i****Conservation  
Plans and  
Contract  
Support  
Document to  
FSA for  
Contract  
Completion**

Within 20 work days after notification, for an application that was selected for conservation plan development, NRCS will forward a copy of the conservation plan to the originating FSA service center office so the copy of the conservation plan may become a part of the contract and filed accordingly.

In addition to the conservation plan, at this time NRCS will provide FSA a copy of the contract support document, or equivalent information, which is intended to aid FSA in the development of the contract, in accordance with paragraph 515.91 (g) .

**Note:** Sufficient time should be provided to enable high quality conservation planning, whether performed by NRCS, a conservation district, or other public or private source for the applicant. Application processing activities should be scheduled so that contract approvals occur on or about September 1, to the greatest possible extent.

**j****Letters**

Information flagged in the FSA computer system or gathered from the producer will also trigger the preparation of computer generated letters. Examples of these letters are in 2-CONSV.

Each time an automated application report is forwarded to NRCS listing new applications, FSA will send a letter to all new applicants notifying them that their applications have been forwarded to NRCS.

---

*Continued on next page*

---

**515.82****k****COC Contract  
Approval**

Upon receipt of the approved conservation plan and the contract support document, or equivalent information, from NRCS, FSA will complete the contract, CCC-1200 and Appendix, and submit to the county FSA committee for approval based on the offer index determined by NRCS. The county FSA committee approves the contract acting in its capacity as an agent for CCC.

**Notes:** Generally, the county FSA committee has no other discretionary authority to deviate from the properly scored and ranked application evaluations.

In the event the county FSA committee believes a contract should not be approved, the committee will inform NRCS of the nature of its concern(s). Efforts to confirm or resolve concerns will be taken by the responsible agency as soon as possible. The committee will reconsider the approval of the contract after the concerns have been addressed.

The county FSA committee will consider the following when approving a contract:

- Sufficiency of funds

**Note:** Selected applications for a contract must be fully funded. In the event there are insufficient funds to approve the next application on the list, the county FSA committee may not skip over the next application(s) on the final application ranking report to approve another application which would require fewer funds. Neither may the next applicant be offered a total contract amount less than their original request.

- Payment limitation requirements
- Allocation has been posted to the FSA service center office ledger
- Concurrence from NRCS.

The county FSA committee shall assure the total amount obligated to a contract is equal to the amount listed on the final application report. If there is a discrepancy, FSA shall consult with NRCS to determine the appropriate amount to obligate.

---

*Continued on next page*

---

**515.82****k****COC Contract  
Approval****(Continued)**

A contract is binding once the CCC-1200 form and Appendix are signed by the applicant(s) and the county FSA committee. After a contract is signed by all parties, the FSA service center office shall:

- Process approval letter, in accordance with 2-CONSV
- Provide copy to the participant and the local NRCS office
- Process deferral letters in accordance with paragraph 515.82 (l) and 2-CONSV
- Process disapproval letters in accordance with paragraph 515.82 (m) and 2-CONSV. Ensure that appeal rights are afforded to any applicant for whom a conservation plan was accepted but a contract was not approved in accordance with sections 515.51 - 515.54
- Notify the NRCS designated conservationist and the State FSA Office of any unused allocations.

---

*Continued on next page*

---

**515.82****I****Deferred  
Applications**

An application not selected for conservation plan development will be deferred by the county FSA committee. Deferred applications will be retained to be considered for possible selection along with applications received during the subsequent application period.

The county FSA committee will notify an applicant with a deferred application of their choices for possible future consideration, including:

- consideration of the application “as is”, with no changes, in the next application period
- consideration of the application with revisions or changes, including improved offers, in the next application period
- disapproval of the application.

The applicant will be provided 30 calendar days to inform the county FSA committee of future application intentions, otherwise, the application will be disapproved according to paragraph 515.82 (m). If the applicant wishes to revise or change the deferred application, FSA will notify the NRCS designated conservationist, as soon as possible, of the need to revise the application evaluation prior to the end of the subsequent application period.

In the event of no subsequent application period, all deferred applications will be disapproved according to paragraph 515.82 (m). Subsequent application periods may no longer occur if the:

- priority area is no longer funded
- priority area activities are completed
- significant statewide natural resource concern is no longer funded.

---

*Continued on next page*

---

**515.82****m  
Disapproved  
Applications**

The county FSA committee may disapprove an application due to any of the following:

- the applicant is determined to be ineligible
- the applicant requests the application to be terminated
- the applicant has a deferred application, and any one of the following occur:
  - no subsequent application period is held in which the application could be considered
  - the applicant requests their application not be considered in a subsequent application period
  - the applicant does not inform the county FSA committee of future application intentions within 30 days of receiving a deferral letter, per paragraph 515.82 (l).

FSA shall ensure the disapproval is properly documented per section 515.118. Ensure that appeal rights are afforded to any applicant for whom a conservation plan was accepted but a contract was not approved in accordance with sections 515.51 - 515.54.

---



## 515.83 Contract Application Evaluation

---

### **a** **Introduction**

This section outlines the responsibilities and the process for assigning priority to a producer application in order to maximize environmental benefits per dollar expended.

---

### **b** **Outline of Evaluation Process**

The evaluation of an application will be accomplished in the following manner:

- The local work groups or State Technical Committees will recommend ranking criteria to NRCS to prioritize applications
  - The designated conservationist will develop and use ranking criteria to prioritize applications by working with the producer in the field to evaluate the conservation needs and determine the offer index
  - The designated conservationist or State Conservationist ranks the applications and provides ranking information to FSA
  - The designated conservationist and the FSA CED will assist the county FSA committee in selecting the applications for contract development.
- 

### **c** **Roles**

The roles and responsibilities in the application evaluation process are:

- The local work group will recommend ranking criteria to NRCS to prioritize producer applications in a priority area
  - The State Technical Committee will recommend criteria to NRCS to prioritize producer applications to resolve significant statewide natural resource concerns outside priority areas
  - NRCS will provide the ranking criteria to be used in a priority area or for significant statewide natural resource concerns to applicants, members of the respective local work group and/or State Technical Committee members, and others
  - The designated conservationist will work with the producer to collect the information necessary to apply the ranking criteria
  - NRCS State and regional personnel will provide consistency and adequacy of ranking criteria.
- 

*Continued on next page*

---

**515.83****d  
Screening  
Applications**

State Conservationists, in consultation with the State Technical Committee, may authorize the use of an application screening process to streamline and expedite the evaluation of applications. If used, screening of applications is a front-end pre-evaluation process that must be applied to all applicants in a specific priority area or with a significant statewide natural resource concern(s) where the number of applications exceeds the funding available for contracts. Screening is used to identify which applications:

- Fully meet the primary goals and objectives of the priority area or statewide concern versus those that do not
- Are likely to obtain the highest environmental benefits for the least program payments versus those that will not.

The screening process will essentially separate the applications into two or more categories. Each category will have predetermined thresholds or criteria which an application must meet. The applications in the highest category are those that are most likely to be selected for a contract because they fully meet the primary goals and objectives of the priority area or statewide concern and are likely to obtain the highest environmental benefits for the least program payments. The thresholds or criteria must be consistent with the ranking criteria used to completely evaluate an application, as per section 515.84

**Example:** Screening categories could be:

- High - Medium - Low - Very Low
- 1 - 2 - 3 - 4

Once an application is screened and identified to be in a specific category, the applications in the highest category will be evaluated and ranked in accordance with sections 515.84 - 515.88. If there are more funds available than needed for the applications in the highest category, the second highest category of applications will be evaluated and ranked in accordance with sections 515.84 - 515.88, and so on. Applications in a lower category, and not evaluated or ranked, will be deferred in accordance with paragraph 515.82(l).

The roles and responsibilities for developing and using screening category thresholds or criteria are identified in paragraph 515.83(c). The screening process and the thresholds or criteria for each category will be documented and made available to all applicants or potential applicants in the area of concern. It may also be used to illustrate to producers how to improve their likelihood of being selected for a contract.

See exhibit 515.146 for examples of screening category thresholds or criteria.

---

## 515.84 Ranking Criteria Development

---

**a**

### **Introduction**

When developing ranking criteria, consider factors which present the least cost to the program and the environmental benefits derived by applying the conservation practices which will meet the purpose of the program.

---

**b**

### **Program Cost**

When determining the estimated program cost, consider:

- A reasonable estimate of the cost of the conservation practices
  - The program payments expected to be paid to the producer
  - The cost expected to be paid by the producer.
- 

**c**

### **Benefits to the Environment**

When determining the environmental benefits, higher benefits are assigned if:

- The contract assists the producer in complying with Federal, State, or tribal environmental laws
  - The land under contract is located in a priority area
  - The contract goals are enhanced through independent non-federal funding sources
  - The contract is of such size and scope that significant progress can be expected toward meeting the natural resource goals in a reasonable time frame
  - The contract will assist in achieving the goals and objectives identified for a priority area or for resolving significant statewide natural resource concerns.
- 

**d**

### **Avoid Bias in Ranking Criteria**

When developing ranking criteria, avoid criteria that may cause a bias to any individual or group of individuals. The criteria must be fair to all farmers and ranchers, such as producers who are:

- Large-scale
  - Small-scale
  - Limited resource
  - Underserved groups
  - Historically unaccustomed to conservation programs
  - Practicing alternative or non-traditional forms of agriculture.
- 

*Continued on next page*

---

**515.84****e  
Natural  
Resource  
Concerns**

Consider various environmental benefits which may be achieved, such as:

- Soil
    - Erosion reduction
    - Condition improvement
    - Deposition reduction
  - Water
    - Quantity improvement
    - Quality improvement
  - Air
    - Quality improvement
  - Plant
    - Suitability enhancement
    - Condition improvement
  - Animal
    - Habitat improvement
  - Other natural resource concerns
    - Cultural resource protection
    - Additional factors which reflect the benefits identified in paragraph 515.84 (c).
- 

**f  
Update and  
Monitor Use  
of Ranking  
Criteria**

Ranking criteria should be periodically reviewed, at least once at the end of the fiscal year, and monitored to determine that the criteria are resulting in applications being selected for contracts that best meet the goals and objectives for the priority area or significant statewide natural resource concern, at the least cost. Ranking criteria should be updated, as needed, and implemented for the subsequent application period.

Where an initial allocation for a significant statewide natural resource concern is provided to an area, subregion, watershed, basin, county, or other portion of a State where a unique circumstance occurs, in accordance with the exception in paragraph 515.78 (c), the State Conservationist will ensure that the highest ranked applications in the State are being selected for contracts for the same significant statewide natural resource concern. Threshold offer indices may be used for this purpose.

---

**a**  
**Field Visit**

The designated conservationist will conduct a field visit for applicants determined eligible by FSA to collect the information to be used to calculate the offer index which includes:

- An inventory of natural resources
  - Identification of natural resource problems, concerns, and benchmark conditions
  - Treatment needs
  - Land management and structural practices producer will install
  - Practice extent
  - Fields and acres to be treated
  - Cost-share rate and incentive payment levels the producer will accept
  - Total program payments.
- 

**b**  
**Improving  
Offer Index**

The producer may improve his/her offer index by one or more of the following:

- Providing additional environmental benefits without increasing the program cost
  - Accepting a rate less than the established program cost-share rate
  - Accepting an incentive payment lesser than the established limit.
- 

*Continued on next page*

---

**515.85****c****Recording  
Producer's  
Decisions**

Form CCC-1201 will be used to record the producer's decision of acceptable program payments. The producer's decision is confidential until the end of the application period and will be used to determine contract payments.

NRCS will provide a copy of the completed CCC-1201 to the applicant, after obtaining the applicant's signature. The producer will be notified she/he has 10 calendar days after signing the form CCC-1201 to modify the decision of acceptable program payments.

The cost-share rates being accepted must be in increments of 1% (e.g. 42%, 45%, 50%). The incentive payment levels being accepted will be in dollars and cents. The producer may choose to reduce one or more practices by the 1% increments in order to improve the offer index.

**Example:** 5% reduction:

- \$12 per acre incentive payment will become \$11.40 per acre
- 75% cost-share rate will become 70% cost-share rate

**Example:** 10% reduction:

- \$12 per acre incentive payment will become \$10.80 per acre
- 75% cost-share rate will become 65% cost-share rate

The producer's decision must be reflected in the conservation plan and the contract support document for an approved contract.

---

a

**Calculating the Offer Index**

Environmental benefits to be achieved from the producer's proposed practices will be determined using Section III of the Field Office Technical Guide and will be recorded on the CCC-1201. NRCS will assign environmental points to the natural resource concerns being addressed based on the ranking criteria.

The offer index is calculated by dividing the estimated program payment cost of practices by the sum of the environmental points.

$$\text{Offer Index} = \frac{\text{Estimated Program Payment}}{\text{Environmental Points}}$$

**Note:** Environmental points should relate to improvements of the natural resource concerns, reduction of the agricultural causes of the concerns, protection of the environment, or enhancement of the environment.

Other concerns or adjustments to the index may be made to reflect the ranking criteria needed to address the program goals and objectives in the area of concern.

The offer index may also be determined using FOCS. The environmental benefits from the Resource Impact Summary is compared to the Estimated Program Payments and generated on the automated CCC-1201.

Upon completion of the CCC-1201, the designated conservationist will sign the form. After obtaining the applicant's signature, NRCS will provide a copy to the applicant. The applicant has 10 calendar days to modify the conservation practices, practice amount, or payment rates of levels requested, if desired, in accordance with paragraph 515.52 (b).

---

## 515.87      **Ranking the Contract Application**

---

**a**  
**Ranking the  
Application in  
Priority Areas**

Contract application in priority areas will be ranked by the designated conservationist using the offer index and the estimated program payments. The process to rank the contract applications is:

- Contract applications receiving the lowest offer indexes have higher rank
  - If two or more contract applications have an equal rank or priority, the contract application that will result in the least cost to the program will be given the higher ranking.
- 

**b**  
**Ranking the  
Application for  
Significant  
Statewide  
Natural  
Resource  
Concerns**

Contract applications for significant statewide natural resource concerns will be ranked against standardized ranking criteria for that concern by the designated conservationist using the offer index and the estimated program payment.

- Ranking systems may define a threshold level for high priority applications that would not require further ranking against other applications. Thresholds will be based on definitive target levels or benchmark conditions defined for that particular natural resource concern.

**Examples:**    Erosion levels over 3T; pesticide loading reduction percent; proximity to sensitive areas.

- Ranking systems for identical natural resource concerns, as outlined in the proposal, may vary by areas, subregions, watersheds, basins, or other portions of the State, if warranted based on unique circumstances.
-



## 515.88

## Contract Application Evaluation Completion

---

### **a** **Information Provided to FSA**

Upon completion of the application evaluation and ranking process, NRCS will provide the following information to the county FSA committee:

- The rank of the applications
- For each application:
  - Offer index
  - Estimated total program payments
  - Cost-share rates and incentive payment levels the producer agrees to accept
  - Administrative county name, when the application is for a multi-county priority area or significant statewide natural resource concern
  - Land eligibility determination.

See exhibit 515.139 for an example of how the information will be provided.

For screened applications (according to paragraph 515.83 (d)) that are placed in a lower category, and not required to be ranked, NRCS does not have to determine or provide to FSA an offer index, rank, total program payments, or payment levels.

---

### **b** **Time Requirements**

NRCS shall complete the application evaluation process and provide the required information to FSA within 45 working days of receipt of the application report from FSA. Once the information has been provided to FSA, the information is final.

---

| **This is a blank page.**

|

## Subpart I - Conservation Planning And Practices

### 515.90 Overview

---

#### **a** **Introduction**

This subpart contains provisions regarding conservation planning and the use of conservation practices in achieving the objectives of EQIP.

---

#### **b** **NRCS** **Responsibilities**

NRCS is responsible for the following conservation planning, practice implementation, and certification activities:

- Technical leadership for planning and implementation
  - Technical concurrence on the conservation plan, contract support document and their revisions, prepared by NRCS or non-NRCS persons
  - Technical standards and specifications
  - Approval authority for all practices, including those designed or certified as completed by non-NRCS persons
  - Responsibility for quality assurance and oversight.
- 

#### **c** **Producer** **Responsibilities**

The producer develops and submits a conservation plan that:

- Protects the soil, water, air, or related natural resources
- Meets the purposes and priorities established for EQIP concern(s) where the producer's farm or ranch is located
- Is acceptable to NRCS
- Is approved by the conservation district.

**Note:** The producer is responsible for implementing the conservation plan. A producer may seek assistance from other public or private organizations or businesses as long as the activities meet EQIP objectives.

---

*Continued on next page*

---

**515.90****d  
Conservation  
District  
Responsibilities**

The Conservation District:

- Will approve all conservation plans, contract support document and their revisions
- May assist the client in planning and implementation of conservation practices and management systems.

**Note:** If the conservation district declines to review the conservation plan, the State Conservationist may waive or delegate approval authority to the designated conservationist.

---

**e  
When Approval  
on Practices and  
Plans Is Not  
Given**

If conservation plans, practice designs, or practice certification are not approved or acceptable to NRCS, NRCS shall:

- Determine the reasons for non-approval or non-acceptance
  - Determine the corrective actions to be made
  - Document action taken in technical assistance notes in FOCS
  - Advise, as appropriate, the:
    - Participant
    - Plan preparer
    - Practice designer
    - Practice certifier.
- 

**f  
Technical  
Assistance  
Sources**

Besides NRCS, producers may utilize conservation planning, practice implementation, and certification services of qualified persons from:

- Other Federal, State, tribal and local government agencies
- Agribusinesses
- Professional societies
- Other private businesses.

For more information on third party technical assistance vendors, please consult NFSAM, 520.13 and 515.104 of this manual.

---

*Continued on next page*

---

**515.90****g****Technical  
Assistance  
Provided**

Technical assistance includes but is not limited to conservation planning, conservation practice survey, layout, design, installation, and certification of structural, land management or vegetative practices, educational information, and training for producers.

---

## 515.91 Conservation Planning General Information

---

### **a** **Introduction**

As described in the National Planning Procedures Handbook, a conservation plan is a record of the client's decisions and supporting information for treatment of a unit of land or water as a result of the planning process, that meets FOTG quality criteria for each natural resource and takes into account economic and social considerations. The plan describes the schedule of operations and activities needed to solve identified natural resource concerns.

A conservation plan may contain only information relating specifically to EQIP, or it may be a part of an overall total resource management system in which the numerous conservation programs are utilized to meet the natural resource needs.

---

### **b** **Purpose**

The conservation planning process and plan used for EQIP:

- Emphasizes sustainability of natural resources
  - Is based on ecological, economic, and social considerations
  - Includes the producer's decisions and objectives for the farm or ranch unit of concern.
- 

### **c** **Conservation Planning Policy & Technical References**

Technical references and policy for guiding conservation planning include:

- National Planning Procedures Handbook (NPPH)
    - Planning process steps, procedures, and client products
  - National Food Security Act Manual (NFSAM)
  - Field Office Technical Guide (FOTG)
    - Natural resources quality criteria
    - Conservation management system guidance
    - Conservation practice physical effects
    - Conservation effects for decisionmakers
  - General Manual  
180 General Manual Part 409.
- 

*Continued on next page*

---

**515.91****d  
NEPA and  
Other  
Requirements**

Conservation plans shall be prepared according to policy with regard to the National Environmental Policy Act (NEPA), cultural resources, and other environmental concerns.

<b>Policy</b>	<b>Reference</b>
Cultural Resources	GM 420, Part 401
Endangered Species	GM 190, Part 410
NEPA	GM 190, Part 410

---

**e  
Compliance  
with Laws and  
Regulations**

It is the responsibility of the producer to ascertain and comply with any and all applicable program or regulatory requirements. The NRCS development or acceptance of a conservation plan will not be deemed to constitute compliance with program or regulatory requirements administered or enforced by another agency.

---

**f  
Assisting  
Producer  
During  
Contract  
Application  
Process**

The conservation planning process may be initiated to assist the potential EQIP participant to:

- Provide an eligibility assessment of the farming or ranching operation
  - Identify resource needs
  - Inventory resources
  - Formulate system alternatives to determine conservation practices
  - Determine environmental impacts of selected alternatives
  - Estimate projected costs and costs producer is willing to incur.
- 

**g  
Contract  
Support  
Document**

A contract support document (NRCS-LTP-11), or equivalent information, should be provided to the FSA service center office by NRCS, to assist FSA develop a contract. Often, a conservation plan for a participant has conservation practices and planning areas that are not to be included in the EQIP contract. A contract support document, or equivalent information, provides concise information for easy determination by FSA of contract requirements. The participant's signature is not required on the contract support document, or equivalent information. (See exhibit 515.135.)

---

**a**  
**Determination  
of Planning  
Area**

The producer, with assistance from the designated conservationist or qualified non-USDA planner will determine the planning area. The planning area at a minimum shall include:

- The producer's farm or ranch unit with identified natural resource concerns
- The land that will help to:
  - meet the purposes and goals of the priority area, or
  - address the significant statewide natural resource concerns.

**Note:** The planning area, at a minimum, will be a Conservation Management Unit as described in NPPH 600.11(b).

**Note:** Planning is encouraged on the whole farm or ranch operation, but it is not required.

**Example:** Rancher Jones has a ranch in a priority area. Five hundred acres of the ranch have the priority natural resource concern of the priority area. Rancher Jones may choose to include all or a portion of the 500 acres in the conservation plan provided the planned acreage is a conservation management unit.

**Example:** Farmer Brown has 200 acres of cropland in a priority area with both water quality and soil erosion problems. The primary or priority concern in the priority areas is water quality. Farmer Brown must achieve the quality criteria for the water quality concern, as identified in the local FOTG, that is part of a resource management system (i.e. sustainable level). Farmer Brown may also treat the soil erosion concern at the resource management quality criteria for soil erosion (i.e. tolerable T level) or to the acceptable management system quality criteria as identified in the local FOTG.

---

**b**  
**Existing Plans**

The producer does not need to replace existing plans developed by natural resource professionals if such plans meet the requirements listed in 515.93. Plans which were created for other USDA programs are eligible if they meet the objectives of EQIP.

---

*Continued on next page*



---

**515.92****c****Level of  
Treatment**

EQIP encourages but does not require the implementation of a total resource management system, for the farm or ranch operation. As a minimum, the conservation plan must enable the producer to achieve the resource management system (RMS) quality criteria, as identified in the local FOTG, for the priority natural resource concern(s) in the priority area or for the significant statewide natural resource concern(s).

---

**d****Other Natural  
Resource  
Concerns  
Eligible for  
EQIP**

For other natural resource concern(s) eligible for EQIP assistance but are not priority EQIP concern(s), the producer may achieve either the RMS quality criteria or the acceptable management system (AMS) quality criteria as identified in the local FOTG.

---

**e****Other Natural  
Resource  
Concerns Not  
Eligible for  
EQIP**

All other natural resource concern(s) necessary to attain a conservation management system that may not be eligible for EQIP, or the producer chooses not to use EQIP to resolve, can be treated to the local FOTG RMS and AMS quality criteria.

A description of the present system(s) as required for progressive planning (Section 600.11 (g) - NPPH) will be included as a minimum.

---

## 515.93 Conservation Plan Requirements

---

### **a** **Format**

The conservation management systems in the conservation plan will be recorded in a format in accordance with Section 600.3 - NPPH.

---

### **b** **Required Information**

The conservation plan or its supporting documentation will include:

#### **Descriptions**

- A description of the prevailing farm or ranch enterprise(s) and operations that may be relevant to conserving and enhancing the natural resources
- A description of relevant natural resources related to the conservation and environmental objectives of the plan, including soils types, rangeland types and conditions, proximity to water bodies, wildlife habitat, or other relevant characteristics and the change or impact on the resource base
- A description of the producer's specific conservation and environmental objectives
- A description of the conservation management system and the practices to be implemented to achieve the objectives
- A description of the schedule for implementing the conservation practices, including timing and sequence

#### **Goals and Objectives**

- To the extent practicable, the specific, quantitative or qualitative goals for achieving the conservation and environmental objectives
- Information that will enable evaluation of the effectiveness of the plan in achieving the objectives and will enable evaluation of the degree to which the plan has been implemented

#### **Additional Requirements**

- Documentation of compliance with NEPA and other Federal, State, tribal, and local laws
  - Livestock-related practices identified
  - An environmental evaluation, including cultural resources inventory
  - Practice cost and requested program level of cost share in the contract support document
  - Cost share levels in a contract support document
  - Operation and maintenance requirements for practices
  - Approval signatures.
- 

*Continued on next page*

---

**515.93****c****Signature  
Requirements**

The conservation plan is to be signed by:

- All participants, or the designated agent, who signed the EQIP application
  - A Conservation District representative
  - The designated conservationist.
-

## 515.94 Conservation Practice General Information

---

### **a** **Introduction**

This section contains provisions for conservation practices and their use in EQIP.

---

### **b** **Definition**

Conservation practices, as defined by NRCS, are:

- Specific treatments that are structural, vegetative, or land management in nature
  - Commonly used to meet specific natural resource needs
  - Science based and normally field tested over years for which standards and specifications have been developed
  - New innovations and technologies contained in the FOTG as interim standards and specifications.
- 

### **c** **Technical References**

Technical references for planning and implementing conservation practices are:

- Field Office Technical Guide (FOTG)
    - Conservation Practice Standards (Section IV)
  - 450 GM Part 401
    - Developing Interim Standards
  - National Handbook of Conservation Practices (NHCP)
    - National Conservation Practice Standards
- 

*Continued on next page*

---

**515.94****d  
Practice  
Failure**

If a practice fails due to lack of operation and maintenance by the producer, the producer will be responsible for repair or replacement costs or may be required to reimburse CCC for payments received and the agreement may be terminated and liquidated damages may apply, in accordance with 515.114.

If a practice fails for reasons beyond the producer's control during the life of the contract, payments are authorized for re-establishment at the same payment rate or level as on the original contract, subject to available funding and payment limitation. If funding is unavailable, the producer has the option of paying the replacement costs or canceling the contract. Under these circumstances, the participant would not be required to repay payments received or liquidated damages. Refer to paragraph 515.112 (h).

---

**e  
Technical  
Error**

If NRCS made a technical error resulting in an incorrect conservation plan, contract support document or system, the designated conservationist should immediately contact the appropriate producer(s) and work with the producer(s) to revise the plan or correct the practice. The person must then be implementing the revised plan or practice within a reasonable amount of time. Corrective action taken will be documented in technical assistance notes in the case file.

---

**f  
Conservation  
Practice  
Lifespan**

When accepting a contract, the participant agrees to establish, operate, maintain, and replace the required conservation practice for the lifespan of the practice, which may exceed the contract period. Conservation practice lifespans will be established, and may be modified, by a State Conservationist, in consultation with the State Technical Committee, to reflect the conservation needs of a state or locality. Lifespans should be consistent for conservation practices used in various programs, to the greatest extent possible.

---

## 515.95 Eligible Conservation Practices

---

### a Source of Conservation Practices

Eligible conservation practices are:

- Those that provide beneficial, cost-effective natural resource conservation or environmental enhancement
  - Are consistent with the conservation practice definitions found in sections 515.94 and 515.95
  - Found in the FOTG.
- 

### b Ineligible Practices

Ineligible conservation practices are those:

- Whose primary purpose is to enhance productivity
- That the producer has already adopted
- That include animal waste management facilities on large confined livestock operations
- That the producer is likely to apply without EQIP financial assistance, such as:
  - A producer is required to establish a conservation practice as a result of a judicial or court action because the producer would be required to apply the practice regardless of EQIP assistance

**Note:** If a producer has been accused of violating a law or regulation but may still voluntarily apply a conservation practice to comply with the law or regulation, the practice is eligible for EQIP financial assistance.

- In sodbusting or swampbusting situations

**Note:** EQIP may be used to assist producers in enhancing compliance with the HEL provisions on eligible EQIP land, such as to assist a producer to move from an alternative conservation system to a basic conservation system.

---

*Continued on next page*

---

**515.95****c****Approval of  
Eligible  
Practices**

Eligible conservation practices are:

- Recommended by the State Technical Committee for use in the State
- Approved by the State Conservationist for significant statewide natural resource concerns
- Approved by the designated conservationist for a priority area in consultation with the local work group.

**d****Conservation  
Practices  
Relating to  
Livestock  
Production**

A conservation practice is considered livestock-related if the practice addresses the natural resource concern that:

- Occurs either on-site or off-site, and
- Is directly related to livestock activity, or
- Is directly related to livestock manure or waste.

**Note:** Livestock-related conservation practices must be identified in the conservation plan and/or the contract support document, or equivalent information, and provided to FSA for identification in the FSA automation system.

---

*Continued on next page*

---

**515.95****e****Conservation  
Practices Not  
Considered  
Livestock  
Related**

A natural resource concern on cropland or hayland not directly caused by livestock activity or livestock manure or waste is not considered to be a concern related to livestock production.

---

**f****Land  
Management  
Practices**

Land management practices are those that:

- Primarily require management techniques and methods
- Meet the intent of the program and locally identified natural resource concerns.

Land management practices include, but are not limited to:

- Nutrient management
  - Manure management
  - Integrated pest management
  - Integrated crop management
  - Irrigation water management
  - Prescribed grazing
  - Tillage or residue management
  - Stripcropping
  - Contour farming
  - Wildlife habitat management.
- 

*Continued on next page*



---

**515.95****g  
Structural  
Practices**

Structural practices are those that:

- Primarily involve establishment, construction, or installation of a site-specific practice
- Meet the intent of the program and locally identified natural resource concerns.

Structural practices include, but are not limited to:

- Animal waste management facilities
  - Terraces
  - Grassed waterways
  - Livestock water development
  - Tailwater pits
  - Capping of abandoned wells.
- 

**h  
Vegetative  
Practice**

Vegetative practices are those that:

- Primarily involve the establishment or planting of a site-specific vegetative measure
- Meet the intent of the program and locally identified natural resource concerns.

Vegetative practices include, but are not limited to:

- Contour grass strips
  - Filter strips
  - Critical area planting
  - Permanent wildlife habitat development
  - Tree planting
  - Range seeding or pasture planting.
- 

*Continued on next page*

---

**515.95****i****New  
Technology and  
Innovation**

The State Conservationist may approve, in consultation with the State Technical Committee, pilot testing of new technologies or innovative conservation practices where warranted. Producers are eligible for educational, technical, and financial assistance to apply practices under pilot tests.

When practices are pilot tested:

- Interim conservation practice standards will be developed
- Practices will be evaluated according to 450 GM Part 401
- Practice payment levels and rates will be developed
- Other partners may be included in the evaluation, such as:
  - Conservation districts
  - Cooperative State Research, Education, and Extension Service
  - Agricultural Research Service
  - Economic Research Service
  - Private individuals
  - Universities
  - Tribes
  - Agribusiness
- Practices will be evaluated and assessed for performance, efficacy, and effectiveness at maximizing environmental benefits per dollar expended.

**Note:** NRCS at the National level will assign practice codes for new pilot practices and will inform appropriate NRCS and FSA offices.

---

| **This is a blank page.**

|

**a**  
**National**  
**Definition**

A large confined livestock operation consists of more than 1,000 animal units. (See paragraph 515.96 (c).) Producers with 1,000 animal units or less are eligible for financial assistance for animal waste management facilities. When determining the number of livestock in the participant's operation for eligibility purposes, the total number of animals confined at all locations of the participant's livestock enterprise will be used, not just the animals at the site of the proposed animal waste management facility.

---

**b**  
**State**  
**Definition**

The State Conservationist, in consultation with the State Technical Committee, may define a large confined livestock operation based on criteria developed for the State, considering the guidance in 515.97. In determining what is a large confined livestock operation, the State Conservationist, in consultation with the State Technical Committee, will take into consideration the national definition of a large confined livestock operation.

If a State Conservationist determines a State definition is not needed, the national definition will be applied. If a State definition is needed, the State Conservationist will submit to the Regional Conservationist:

- The proposed State definition
- The considerations made to develop the State definition (see 515.97)
- Justification for the State definition
- The process for case-by case exemptions (see 515.96(h)).

Regional Conservationists will:

- Review the State Conservationist's requests for state definitions of a large confined livestock operation
- Consider the justification of the request
- Work with the State Conservationist in the region, and with Regional Conservationists of adjoining regions, to achieve, to the greatest extent possible, consistency in the definitions used between and among States
- Forward requests and make recommendations to the Chief for approval or disapproval of State definitions.

**Note:** The definitions developed and submitted by the State Conservationist must be approved by the Chief prior to implementation.

---

*Continued on next page*

---

**515.96****c****Counting  
Animal Units**

Count animal numbers as a function of animal units for EQIP eligibility purposes. Animal units are also used as the basis for estimating manure production and manure nutrient content. NRCS has defined an animal unit as 1,000 pounds of live weight of any given livestock species or any combination of livestock species. The weighted average of animals through their life cycle are used when making calculations.

All confined animals within the participant's enterprise will be counted, regardless of their location or ownership shares.

Changes in animal units in an enterprise after the time of approval of an EQIP contract will not impact the status of an approved EQIP contract.

See exhibits 515.136 and 515.137 for guidance and examples on how to determine animal units for different confinement situations. State Conservationists may revise Table 1 of the Animal Unit Calculations guidance (exhibit 515.136) to more accurately indicate the weighted average of animals through their life cycle if more accurate information is available in the state. When making calculations for animals in different states for the same enterprise, the national average weights in exhibit 515.136 will be used.

---

**d****Available  
Assistance**

Financial assistance is not available to construct an animal waste management facility on a large confined livestock operation. Technical assistance may be available on other structural, vegetative, or land management practices needed in the conservation management system to address livestock-related concerns.

---

**e****Conservation  
Plan  
Requirements**

All participants who receive financial assistance to install animal waste management facilities must follow an approved conservation plan, which specifically addresses animal waste utilization and nutrient management, where applicable, and which also is in accordance with NRCS standards.

---

*Continued on next page*

---

**515.96****f****Animal Waste  
Management  
Facility**

An animal waste management facility includes:

- Waste storage structures for both solids and liquids
- Waste treatment lagoons (aerobic, anaerobic, and mechanically aerated)
- Oxidation ditches
- All appurtenant structures and components used for the collection and transfer of waste to the storage or treatment facility. These include:
  - Alleys
  - Gutters
  - Slatted floors
  - Reception pits and associated pumps
  - Gravity flow pipes and associated components (gates, valves, etc.)
  - Push-off ramps
  - Picket dams
  - Drying/dewatering equipment
  - Mechanical separation equipment
  - On-site manure composting facilities
  - Settling basins and fencing associated with the storage/treatment structure are all considered part of the animal waste management facility.

**Note:** Practices used for diversion of clean water, including roof runoff management practices and diversions, as well as composting facilities, for the purpose of handling animal mortality, and vegetative filters are not considered part of the animal waste management facility.

---

*Continued on next page*

---

**515.96****g****Confined  
Definition**

A livestock operation is confined if the livestock facility:

- For a total of 45 days or more in any 12-month period:
  - Stables animals
  - Confines animals
  - Feeds animals, or
  - Maintains animals, **and**
- Over any portion of the confinement facility, in a normal growing season, the area does not sustain:
  - Crops
  - Vegetation
  - Forage growth, or
  - Post-harvest residues.

---

**h****Exemptions to  
National or  
State  
Definitions**

A State may develop a process to exempt an individual large confined livestock operator from the national or State definition of a large confined livestock operation if:

- The process developed by the NRCS State Conservationist, in consultation with the State Technical Committee, is approved by the Chief
- The process outlines specific natural resource criteria and procedures upon which the decision will be based
- The purposes for the exemptions are to address a large confined livestock operation that contributes to substantial natural resource or environmental degradation, and if continued without treatment, would result in the non-achievement of priority area or statewide natural resource goals.

**Note:** At the State level, an exception to the national or State definition may only be granted by the State Conservationist on a case-by-case basis, and the application must be ranked and selected with all other applicants who receive EQIP assistance.

---

*Continued on next page*

---

**515.96****i****New or  
Expanding  
Operations**

EQIP may be used to provide financial assistance for animal waste management facilities on new or expanding operations. The State Conservationist, in consultation with the State Technical Committee, will develop State policy concerning new or expanding livestock operations. The policy:

- Will place the highest priority on the most significant natural resource concerns
- May place higher priority on existing livestock operations
- Provides that new or expanding operations will not be eligible for cost-share of the animal waste management facility if the planned operation or expansion is a large confined livestock operation.

The State Conservationist should also consider:

- Establishing a date beyond which the “new” or “expanded” operation will be impacted by State policy (i.e., date of issuance of final EQIP rule, establishment of State regulations, or any key point in time)
- The impact of limited EQIP funding on existing operations if used for new or expanded operations
- Reducing cost share rates for new or expanded operations or consider limiting EQIP funding to a certain percentage of total funds available within the State for this purpose (i.e., 5% of total funds set aside for new or expanded facilities)
- Defining “expansion” as animal unit increases by a certain percentage (i.e., expansion means when animal units increase by 25% or more)
- Not allowing cost share for new or expanded operations if it is believed that investments in animal waste management facilities should be considered in the cost of doing business.

---

*Continued on next page*



---

**515.96****j  
Semiannual  
Reports**

The Chief will provide the Secretary a semiannual report for the first two years of the program on the implementation of the guidance and policies in this section, especially on the impact that may be occurring to the environment and to the structure of livestock agriculture.

The State Conservationist will provide a semiannual report to the Chief. The report will contain the following:

- The number of EQIP contracts, expected program payments, and the environmental benefits expected from animal waste management facilities included in EQIP contracts that are on operations:
  - With 1,000 AU or less
  - With less than or equal the State definition
  - Which receive an exemption to the National or State definition
- The number of requested EQIP contracts, requested program payments, and environmental conditions on operations that requested financial assistance but were determined to be large confined livestock operations and, therefore, ineligible for EQIP financial assistance.
- The trends of size, ownership demographics and the environmental impacts of the various types of livestock operations.
- Any identified agricultural waste management problems that are common to most operations within a State or region and the impact of the EQIP may have on these problems.
- The number of appeals received by large confined livestock operators.

The Regional Conservationist will provide a semiannual report to the Chief. The regional report will identify for the region the impact the large confined livestock operation program policies may be having on the:

- Environmental and natural resource conditions
- Structure of livestock agriculture.

**Schedule for Semiannual Reports**

<b>Period</b>	<b>Due from Regions/States</b>	<b>Chief's Report</b>
October - March	April 30	May 31
April - September	October 30	November 30

**a**  
**Introduction**

When developing a definition for a large confined livestock operation as it applies to a particular State, the State Conservationist, in consultation with the State Technical Committee, will consider:

The cost-effectiveness of the facility and its potential to maximize environmental benefits per dollar expended

The ability of producers to pay for the costs of animal waste management facilities

- The significance of the natural resource concerns resulting from the operation
- The prevailing State, Tribe or local implementation of various Federal, Tribal and State environmental laws and regulations, including regulations promulgated pursuant to the Clean Water Act (33 U.S.C. 1251 et seq.) and guidance developed for the Coastal Zone Management Reauthorization Act of 1990 (16 U.S.C. 1455b)
- The particular characteristics of modern livestock operations
- The size of the operation in relation to other confined livestock operations in the State or region.

Emphasis will be placed on the first two considerations (\*). However, the State Conservationist may use all or one of the considerations to justify a State definition of large confined livestock operations.

The following paragraphs identify and provide further explanation on each of the considerations.

---

*Continued on next page*

---

**515.97****b****Cost-  
Effectiveness****Cost-effectiveness of the animal waste management facility and its potential to maximize environmental benefits per federal dollar expended:**

This addresses the cost effectiveness of animal waste management facilities required by operators at the chosen livestock animal unit threshold or type, and its potential to maximize environmental benefits per program dollar expended with EQIP.

Cost data to consider includes:

- Data describing costs of construction of animal waste management facilities that address various animal unit numbers and types common in the State. (Example: Cost of concrete tanks, lagoons, or holding ponds for various size operations, based on a “per animal unit.”)
- Data describing other costs associated with the various animal unit numbers and types where facilities are needed including costs of transport and utilization (Example: Cost of transport or acreage required for utilization as well as other EQIP associated costs.)

**Note:** Both of these costs are necessary to determine the overall cost effectiveness because EQIP deals with the whole livestock management system.

Benefit data is more difficult to secure; however, information that should be considered includes:

- The environmental benefits expected from the various animal unit numbers and types described in costs above. (Example: Compare the likelihood of attaining expected environmental benefits for specific animal unit numbers and types with those of small to medium scale facilities, including benefits to sensitive natural resource areas, such as proximity to wellhead protected areas or important waters.)
- Compare the environmental benefits of assisting producers below the State-defined threshold relative to other operations of other sizes.

---

*Continued on next page*

---

**515.97****b****Cost-  
Effectiveness**  
(Continued)

Other considerations may include:

- The particular animal types and sizes where utilization becomes a problem if EQIP were not available. (Example: The effective utilization of the waste may be difficult because of no access to an adequate amount of land.)
  - Consider using farm size/livestock types merged with financial factors (farm sales, net income, and a variety of financial indicators focused on livestock operations' profitability, leverage, and debt repayment capacity) to develop a more comprehensive perspective for defining large confined livestock operations. (See 515.136 and 515.137.)
- 

**c****Ability of the  
Producer to  
Pay**

**The ability of the producer to pay for the cost of animal waste management facilities:**

With limited financial resources or funding in the program, an intent of Congress was to provide funding only to producers who could not otherwise afford to install waste management facilities (i.e., the small to moderate size operation producers). To document this criteria, it is not the intent of these guidelines for NRCS to conduct an economic analysis for determination of an individual producer's ability to pay.

---

*Continued on next page*

---

**515.97****c****Ability of the  
Producer to  
Pay**

(Continued)

Considerations may include:

- An analysis of operations to determine where a significant break might occur in size and establishing that level as the threshold on the assumption that operators larger than that level will have the ability to pay for installation of an animal waste management facility without cost share assistance. (See 515.136.)
- The existence or nonexistence of other financial assistance available to specific or particular animal unit numbers and types.
- The establishment of different thresholds for different types of livestock and poultry production facilities because each type of facility will have its own unique financial characteristics. As well, consider the administrative complexities inherent to establishing multiple thresholds
- The development of an “economical unit” for the State by livestock type. For example, what number of livestock types are required for a full time producer to make a living from the confined animal operation.
- The establishment of a variable cost share rate that is tied to different levels of animal units, with smaller and moderate size operations receiving a larger percentage of cost share. (This may allow limited resource farmers and small scale operations to receive a larger portion of the program funding.)

---

*Continued on next page*

---

**515.97****d  
Significance  
of the Natural  
Resource  
Concern****The significance of the natural resource concern resulting from the operation:**

Considerations may include:

- The significance of all natural resource concerns in establishing the State definition of large confined livestock operations and explain its impact on the identified natural resource problems.
- Significant areas in the State with natural resource needs where confined animals are major contributors to the natural resource degradation, including:
  - Watershed planning projects or area-wide planning areas with specific natural resource goals
  - High quality waters, including sole source aquifers and potable water sources
  - Sensitive geologic formations, including karst topography
  - Wellhead recharge areas.

---

*Continued on next page*

---

**515.97**

e

**Prevailing  
Implementation  
of Environmental  
Laws and  
Regulations**

**The prevailing State, Tribe, or local implementation of various Federal, Tribal, and State environmental laws and regulations, including regulations promulgated pursuant to the Clean Water Act (33 U.S.C. 1251 et seq.) and guidance developed under S 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (16 U.S.C. 1455b):**

Various laws and regulations may justify changing the threshold of 1,000 AU when defining a large confined livestock operation as it applies to a particular State, region within a State, or to a particular category of animal to be consistent with the regulation or law.

Considerations may include:

- Setting the animal unit threshold at levels so that EQIP will be available to help the majority of producers in complying with environmental laws and regulations. The ranking process is designed to insure that EQIP funds are used where they are most needed and on the natural resource concerns of greatest importance.
- Setting the animal unit threshold so that it coincides with the level at which a permit is required, assuming that permit requirements are enough of an incentive to adequately install an animal waste management facility
- How EQIP may compliment existing programs, such as State cost-share or targeted areas programs, to achieve the desired natural resource goals.

---

*Continued on next page*

---

**515.97****f  
Particular  
Characteristics  
of Modern  
Livestock  
Operations****Particular Characteristics of Modern Livestock Operations:**

Modern livestock operations are often defined by the area in which they reside and continually change to meet market demands and efficiency of operation. This may include expansion of existing facilities, diversity to new or other types of systems, or specialization of various operations.

Considerations may include:

- How trends toward larger livestock production facilities are impacting the environment and changing the underlying benefits and costs of managing the animal waste. (Example: Graphing trends in sizes and different types of livestock operations over time and describing the environmental pressures inherent to the trends.)
  - How new technologies have impacted the size of “economical units” and their economical viability.
- 

**g  
Size Relative  
to Other  
Producers****Size relative to other producers:**

Considerations may include:

- Comparison of similar types of operations - broilers to broilers, finishing hogs to finishing hogs, sows to sows, and so forth. Determine if threshold differences are needed.
- Comparison of operations by geographic area to determine the validity of threshold differences. Geographic areas may be multiple counties or states. (See the graph located in 515.136.)

See 515.136 and 515.137 for guidance and examples in determining eligibility for different threshold levels for different animal types or multiple geographical areas.

---



## Quality Assurance and Oversight for Conservation Planning and Implementation

---

### **a** **Procedure**

Quality assurance will be performed by:

- The State Conservationist as a part of the on-going quality assurance programs where technical assistance is provided
- The Regional Conservationists to assure performance is meeting the intent of the program
- The designated conservationist performing annual status reviews of conservation plans used as a basis for EQIP contracts.

**Note:** In some cases, NRCS or its designee may periodically inspect the conservation practices with life spans that exceed the contract period to ensure that operation and maintenance is occurring.

---

### **b** **Technical References**

References for quality assurance of conservation planning and application include:

- NPPH and FOTG for conservation planning
  - 450 GM Part 407 and FOTG (Section IV).
-

## 515.99 Annual Status Reviews

---

### **a** **Procedure**

The designated conservationist will carry out a status review:

- At least annually
  - On every conservation plan for each active EQIP contract
  - With the producer on the producer's farm.
- 

### **b** **Elements to Be Reviewed**

The following elements will be reviewed and documented:

- Success of practices and systems completed
  - Operation and maintenance of practices and systems completed
  - Status of practices not completed
  - Reasons for lack of progress in plan completion
  - Needs for conservation plan revision
  - Violation of the contract
  - Agreement on practices to be implemented next fiscal year
  - Need for adjusting conservation system evaluations to reflect actual or predicted effects of the system.
- 

### **c** **Report**

The annual status review report will be:

- Signed by:
  - producer
  - designated conservationist
- Given to:
  - producer
  - FSA county committee
- Filed in conservation plan.

See exhibit 515.141 for the annual status review report.

---

## **Subpart J - Conservation Practice and Technical Assistance Payments**

### **515.100 Overview**

---

#### **a Introduction**

This subpart contains procedures for determining payments for conservation practices, providing payments for technical assistance, and issuing CCC payments.

---

## 515.101 Establishing Cost Share and Incentive Payments

---

### **a** **Introduction**

This section contains procedures for determining payments for structural and vegetative practices and for land management conservation practices.

---

### **b** **Determining Cost-Share Rates**

Final determinations of structural or vegetative practice cost-share rates will be made at the local or State level, as indicated in paragraph 515.101 (d). The maximum direct program share of cost-share payments to a participant shall not be more than 75 percent of the total cost of the structural or vegetative practice.

The direct program share of cost-share payments will be reduced proportionally below 75 percent, or the cost-share limit as set at the State or local level, to the extent that total financial contributions for a structural or vegetative practice from all public and private entity sources exceed 100 percent of the projected cost of the practice.

---

### **c** **Determining Incentive Payment Levels**

Final determinations of land management practice incentive payment levels will be made at the local or State level, as indicated in paragraph 515.101(d). Incentive payments will be made in an amount and level necessary to encourage a participant to perform the land management practice that would not otherwise be initiated without government assistance. Incentive payments will be limited to a maximum of three years.

In establishing incentive payment rates, the following may be taken into consideration:

- the amount necessary on a per-acre basis to encourage producers to participate and achieve the goals of the land management practice
  - additional costs or risks incurred by the producer
  - any production values foregone.
- 

*Continued on next page*

---

**515.101****d****Responsibility**

The State Conservationist, with the advice of the State Technical Committee and concurrence of the State FSA Committee, determines the maximum payment rates and levels to be paid for total practice costs and component costs in a State. Use this table to determine who establishes and approves payment rates and levels for specific areas in a State.

<b>IF the payment rates and levels are for. . .</b>	<b>THEN it is the responsibility of the . . .</b>
significant statewide natural resource concerns outside a funded priority area	State Conservationist, in consultation with the State Technical Committee, to establish cost-share rates and incentive payment limits.
a priority area	designated conservationist, using guidance provided by the State Conservationist and in consultation with the local work group, to establish the cost-share rates and incentive payment limits.

The local work group will recommend to the designated conservationist the cost-share rates and incentive payment levels to use in the applicable priority area, within national and state guidelines. The State Technical Committee will recommend to the State Conservationist the cost-share rates and incentive payment levels to use outside of priority areas, within national and state guidelines. Final determinations for levels and rates will be made by NRCS at the local or State level, as applicable.

**e****FSA  
Assistance**

FSA will assist NRCS in establishing payment levels and rates, in the following ways:

- Make recommendations as members of the local work group or State Technical Committee
- FSA State and service center offices will gather supporting data for determining payments rates and levels.

**f****Consistency  
Among Rates  
and Levels**

When establishing payment levels and rates, average costs for the same practice and practice components should be the same regardless of the conservation programs. Rates for similar practices should be similar. When establishing levels and rates, NRCS and FSA State and service center offices are encouraged to coordinate determinations to ensure consistency.

---

*Continued on next page*

---

**515.101****g  
Supporting  
Data**

Component average cost used to determine levels, rates, and flat rates will be maintained in the applicable FSA office in the county eligibility table. FSA will provide to NRCS and other technical providers, the following:

- County Eligibility List, EEB115-R001
- County Eligibility List, Technical Practice/Component Associations, EEB115-R002.

When updates are made, a copy will be provided to NRCS.

---

**h  
Methods of  
Payment**

Payment levels and rates will be based on either of the following methods:

- The percent of actual cost
  - The percent of actual cost with Not-To-Exceed (NTE) rate limits
  - Flat rates.
- 

**i  
Percent of  
Actual Cost**

The percent of actual cost is to be used **only if** there is no data, **or** there is considerable variation in actual cost practices within the priority area or significant statewide natural resource concern. Once data from a few contracts is available, an NTE limit shall be established per paragraph 515.101 (j).

Document the rate as follows:

\_\_\_\_% of the actual cost; i.e. 55 % of the actual cost

**Note:** This method shall **not** be used to reimburse participants for cost inflation.

---

**j  
Percent of  
Actual Cost  
With An NTE  
Limit**

Payment rates may be established with a maximum limitation. The limitation is based on a reasonable estimate of the average cost incurred to implement the practice. Practices and components may be expressed as units of measure. The maximum limitation will be based on current cost data from applications for payment, rates from programs similar to EQIP, quotations or advertised prices from dealers, contractors, consultants, and other available sources.

Document the rate with a limitation as follows:

\_\_\_\_% of the actual cost, not to exceed \$\_\_\_\_per unit (acre, pounds, feet, etc.); i.e. 55 percent of the actual cost, not to exceed \$12.00 per acre

---

*Continued on next page*

---

**515.101****k****Flat Rates**

Flat rates are recommended to simplify administration and provide a firm, predetermined commitment to participants. Flat rates are based on the average cost of eligible materials, services, and labor necessary to perform the practice. Although suited to all types of practices, flat rates are especially suited to land management practices. Consider current cost data from application for payment, rates from programs similar to EQIP, quotations or advertised prices from dealers, contractors, consultants, and other available sources. Sales tax may be included in the cost of eligible items for payment.

Document flat rates as follows:

\$\_\_\_\_per unit (acre, foot, yard, etc.); i.e. \$26.00 per acre

Flat rates may be used for components of a practice or in a situation where the costs of performing a practice or using components do not vary dramatically.

**Example:** Seedbed preparation can effectively use flat rates. Establishment of flat rates for application of lime and fertilizer based on soil tests cannot be done effectively because of the variation of soils and fields on a farm. Establishment of flat rates for animal waste management facilities will be avoided due to the variation of practices needed on each farm; however, establishing flat rates can be made for integral practice items, such as a three strand fence (cost per foot), or gravel on-site (cost per yard).

---

**l****Eligible Costs**

Items eligible to establish levels and rates include the cost of any direct or significant factors necessary to perform the practice, such as:

- New, donated, or used materials
- Services and labor, from the participant or others
- Sales tax.

---

*Continued on next page*

---

**515.101****m****Ineligible  
Costs**

The following costs are not eligible for determining payment levels and rates:

**FOR COST-SHARE PRACTICES ONLY:**

- Treatments to control insects, diseases, rodents, and nematode
- Weed control measures, unless authorized for a particular practice
- Mowing pastures, chopping or shredding residues from crops for insect control, unless authorized for a particular practice
- Costs of supplemental requirements, such as abstaining from harvesting, protection from fire or grazing and similar provisions for which no payment is authorized
- Loss or reduction in revenue from the land

**FOR COST-SHARE AND INCENTIVE PAYMENT PRACTICES:**

- Pumps and pumping equipment

**Exception:** Permanently installed pumps and pumping equipment that are required as an integral part of an animal waste storage system, tailwater recovery system, or as part of a conservation management system that primarily addresses irrigation induced erosion, water quality, or water conservation may be eligible; permanent or portable pumps and pumping equipment for providing stock water may be eligible; as determined by the NRCS designated conservationist.

- Electric power hook-up
- Dry wells
- Boundary fences

**Exception:** Boundary or property line fences may be eligible, as determined by the NRCS designated conservationist, if:

- the fence is an integral part of a conservation management system, such as a planned grazing system that facilitates improved management of grazing land, or protects certain areas from livestock when it is necessary for proper use of the area
  - the area adjacent to the boundary fence is vital to the success of the conservation management system
  - the primary purpose is not to separate ownership or exclude livestock from transportation networks, residential, commercial, or industrial areas.
- Producer's transportation costs, unless authorized by a particular practice
  - Providing land or the right to use water
  - Rent or other costs of using land
  - Non-USDA technical assistance fees, engineer charges, permit fees, and consultant fees, except when authorized
  - Extents greater than technically needed for the required level of treatment.

---

*Continued on next page*



---

**515.101****n****Loading  
Components,  
Levels, and  
Rates**

The FSA county offices will:

- Establish components with NRCS as applicable. Some practices to be paid on a percent of cost basis may not need components.
- Load practice component codes, descriptions, units, and average costs, if applicable, in the county eligibility table, according to Handbook 2-CONSV. Printouts of the county eligibility table will be provided to NRCS and other technical providers.

---

**o****Reviewing  
Levels and  
Rates**

The NRCS Area Conservationist, or designated conservationist, and the FSA District Director will periodically review and compare levels and rates to ascertain that they are set at the minimum incentive needed to encourage producer participation to address a resource concern. The FSA county committee and the NRCS designated conservationist will periodically review producers' cost data to ensure that flat rates used are reasonable. Findings will be reported to the State Conservationist and State Executive Director.

---

*Continued on next page*

---

**515.101****p  
Revising  
Levels and  
Rates**

During the program year, when there is a substantial change in the average cost to perform a practice or a component for which a flat rate or limitation has been established, the rate or limitation will be revised by NRCS. Changes provided to FSA by NRCS must be accompanied by an effective date. Effective dates may not be retroactive. Rates in effect before the effective date of an amendment remain in effect for approvals issued before the effective date. The adjusted rate will be applied to all approved contracts with subsequent CCC-1245 forms issued on or after the effective date of the adjustment.

- Changes should not be made on the basis of isolated variations in costs
  - Changes will reflect the minimum incentive needed to encourage producer participation
  - Rates will only be revised when the average cost of performance changes substantially or the rate becomes materially greater than or lesser than the maximum authorized State or national level.
-

## 515.102 Payment Limitations

---

### a Maximum Payment Limitation

The total direct EQIP program payments paid to a person shall not exceed either of the following:

- \$10,000 per person for any fiscal year (FY), or
- \$50,000 per person for any multi-year contract.

**Notes:** A contract with more than one person may earn more than \$50,000.

Person determinations shall be made according to paragraph 515.118 (f) and Handbook 1-PL.

---

### b Exceeding Payment Limitation

If the payment limitation is exceeded in any fiscal year due to an agency error, and the finality rule does not apply, then a refund is required for the amount exceeding the payment limitation.

**Note:** A waiver may be granted by the State Conservationist, or designee, in accordance with section 515.103, provided that the total payments do not exceed the maximum allowable.

---

### c Controlling Maximum Payment Limitation

The control county FSA committee has the responsibility to:

- Control the maximum payment limitation for participants within the county
- Contact other FSA service center offices within the State where participants have farming interests to determine the maximum amount participants can earn.

When participants have farming interests in another State(s), the above items will be handled through the applicable State FSA offices.

**Note:** See Handbooks 1-CM and 1-PL for multi-county producer data.

---

*Continued on next page*

---

## 515.102

d

### Payment Limitation Examples

The following are examples of payment limitation situations:

**Example 1:** Farm Operator A is involved in contracts on 3 separate farms. The contracts run concurrently. The payments requested are:

Farm 1 (60/40 share) - Operator A \$30,000 + Owner 1 \$20,000 = Total \$50,000

Farm 2 (75/25 share) - Operator A \$15,000 + Owner 2 \$5,000 = Total \$20,000

Farm 3 (50/50 share) - Operator A \$45,000 + Owner 3 \$45,000 = Total \$90,000.

Operator A could be approved for \$90,000 total payments over the life of the contracts because he has 3 contracts. However, he cannot exceed the \$10,000 per person per fiscal year limitation without an approved waiver. Owners 1, 2, 3, can receive their appropriate payments within payment limitations.

**Example 2:** Owner B, determined to be one person, submits 2 applications for 5-year contracts, each for a total of \$50,000 payments. Both applications rank high enough to be accepted. The county FSA committee cannot approve payments for Owner B totaling more than \$10,000 in any fiscal year, unless a waiver is granted per section 515.103. However, the waiver cannot be used to make more payments than would otherwise be made, considering the \$10,000 per person per year limitation. Thus, Owner B would be limited to no more than \$50,000 in a 5-year period.

**Example 3:** Producer C, determined to be one person, has a 3-year interim EQIP contract for \$10,500 cost-share on her farm. She applies and is approved for a 5-year EQIP contract for a total payment of \$50,000. Producer C may receive up to \$10,000 payment for each of the 5 years of the EQIP contract because Interim EQIP and EQIP are **separate** and **distinct** programs with **separate** and **distinct** payment limitations.

**Note:** Interim EQIP and EQIP contracts may be approved on the same farm or tract as long as the contracts are **not** for the same conservation practice on the same acres.

**Example 4:** A partnership, determined to be seven persons, applies for an EQIP contract in Smith County. The Smith County FSA Committee is concerned that the contract, if approved, would use up a large portion of a priority area's fund allocation. The COC would like to limit the payment limitation for each approved contract to a maximum of \$50,000, regardless of the number of persons. This local limitation cannot occur. National policy **does not support** establishing a payment limitation less than the statutory limits.

**Note:** The competitive nature of EQIP would very probably eliminate a contract receiving very large payments, unless that contract also had corresponding very large environmental benefits.

---

**This is a blank page.**

## 515.103 Payment Limitation Waiver

---

### a Waiving the Annual Payment Limitation

The State Conservationist, or designee, may authorize, on a case-by-case basis, payments in excess of \$10,000 in any fiscal year to a person, up to the \$50,000 contract limitation. Such increase in payments for a certain year shall be offset by reductions in the payments in subsequent years.

**Note:** In no instances would a person be able to receive more than \$50,000 in a 5-year period.

---

### b Procedure for Requesting Waiver

The participant needs to:

- Send a written request to the designated conservationist.
- Provide appropriate justification based on paragraph 515.103 (c).

Once the request is received from the participant, the designated conservationist will forward the request to the State Conservationist, as appropriate.

---

### c Justifying the Waiver

Approval of the annual payment limitation waiver for a person may be justified because:

- The conservation practices in the conservation management system need to be applied at once so that the system is fully functioning to resolve the natural resource problem
  - The natural resource problem is so severe that immediate resolution of the problem is needed
  - The participant needs to complete the conservation practices in one year so that the farming operation is not interrupted or disturbed by practice installation over a 5- to 10-year period
  - The participant can install the conservation practices at a lower total cost when installed in one year, thereby reducing the program payments
  - Payments delayed in the first fiscal year of a contract must be made in a subsequent fiscal year, in accordance with paragraph 515.115 (c).
- 

*Continued on next page*

---

**515.103****d****Tribal Venture**

To accommodate the unique situation of tribal, allotted, and Indian trust lands, a tribal venture can receive payments in excess of the limitations if an official of the Bureau of Indian Affairs and/or tribal official can certify in writing that no person, in accordance with section 515.61, will receive an annual payment, directly or indirectly, in excess of \$10,000 for any fiscal year or \$50,000 for any multi-year contract.

---

**e****Inherited Land**

With respect to land under EQIP contract which is inherited in the second or subsequent years of the contract, the \$10,000 fiscal year limitation will not apply to the extent that the payments from any contracts on the inherited land cause an heir, who was party to an EQIP contract on other lands prior to the inheritance, to exceed the annual limit.

---

**f****| Documenting  
Decisions**

The State Conservationist, or designee, will:

- Make the decision based on paragraph 515.103 (c)
  - Inform the producer, designated conservationist, and county FSA committee, in writing, of the decision.
-

## 515.104      **Technical Assistance Provided By Non-USDA Entities**

---

### **a** **Introduction**

Traditionally, NRCS accepted work done by non-USDA entities if it met NRCS standards and specifications. The 1985 Act, as amended, requires the Secretary to have a certification process for non-USDA technical assistance sources who provide technical assistance on matters relating to USDA programs.

For specific policy and procedures on third party technical assistance and the certification of third party vendors, consult NFSAM, 520.13.

---

### **b** **Technical Assistance Provided By Non-USDA Personnel**

Technical and other assistance provided by qualified personnel not affiliated with USDA may include, but is not limited to:

- Conservation Planning
  - Conservation practice survey, layout, design, installation, and certification
  - Information, education, and training for producers
  - Training, certification and quality assurance for professional conservationists.
- 

### **c** **Program Knowledge and Technical Qualifications**

NRCS expects that personnel from sources not affiliated with USDA will:

- Be held to the same standards or criteria it expects from USDA employees
  - Be expected to have a knowledge of how the program works and the requirements of the program.
- 

*Continued on next page*



---

**515.104****d****Quality  
Assurance of  
Assistance  
Provided By  
Others**

NRCS will:

- Provide technical coordination and leadership for the program regardless of who provides technical and other assistance
- Assure that the quality of assistance obtained from non-USDA sources is acceptable for purposes of EQIP.

**Note:** Assistance from sources not affiliated with USDA will not be deemed to satisfy an EQIP contract until the vendor is listed on the Certification Organization's approved registry.

---

## **515.105      Payment for Technical Assistance Provided By Non-USDA Entities**

---

### **a Introduction**

This section contains provisions regarding payments for technical assistance and technical assistance provided by non-NRCS third party entities.

---

### **b Determining Technical Assistance Needs**

Local work groups and State Technical Committees will recommend to NRCS the amount of technical and other assistance needed when developing the assessment of needs. NRCS will determine the amount of technical and other assistance that NRCS can perform and the amount that will need to be provided by others to fulfill the State workload.

---

### **c Technical Assistance Provided By Non-USDA Personnel**

Technical and other assistance provided by qualified personnel not affiliated with USDA may include, but is not limited to:

- Conservation planning
  - Conservation practice survey, layout, design, installation, and certification
  - Information, education, and training for producers
  - Training, certification and quality assurance for professional conservationists.
- 

### **d Payment to a Producer**

If a producer wishes to contract with a third party vendor to create a plan, install a practice, or to perform some other type of technical assistance, the producer is not reimbursed through EQIP for services provided by the third party vendor, unless otherwise authorized.

---

*Continued on the next page.*

---

**515.105****e****Payments**

NRCS is authorized to make payments to non-NRCS entities for the purposes of providing technical assistance and other assistance when the State Conservationist determines that NRCS has insufficient staff or lacks specialized expertise needed to provide assistance identified in funded projects. Payments for non-NRCS technical assistance will be based upon criteria established by the State Conservationist, and may be from technical assistance funds available to the State Conservationist.

---

**f****Transfer To  
NRCS**

Transfer of EQIP funds from CCC to NRCS for technical assistance is made at the national level.

---

**This is a blank page.**

## **Subpart K - Contracts, Payments, General Administrative Requirements**

### **515.110 Overview**

---

#### **a Introduction**

This subpart covers the development and administration of contracts, making contract payments to participants, and general administrative requirements.

---

## 515.111 Contract Requirements

---

### a Contract Requirements

Program participants will not receive program payments without an approved EQIP contract CCC-1200. The following contract provisions apply:

- Contracts will have a length of no less than 5 years nor more than 10 years.
- A contract expires on the anniversary date of the last year of the contract period. The contract expiration date must be at least 5 years after the date of contract approval, even if final payment for the last practice is expected to be issued in less than 5 years.
- Participants must apply or commence a financially assisted practice within the first 12 months of approval of a contract

**Exception:** In the case of an expanded contract (paragraph 515.111 (g)), a practice must be commenced on 1 of the farms under contract within the first 12 months of approval of an expanded contract.

Waivers may also be granted in accordance with paragraph 515.111 (k)

- Participants must acknowledge receipt of the CCC-1200 Appendix
- Contracts are not binding until the conservation plan is approved, CCC-1200 Appendix attached thereto, and CCC-1200 is signed by an authorized representative of CCC
- Liquidated damage provisions will not apply until the CCC-1200 is approved.
- Non-cost-share practices or operation and maintenance of cost-shared practices may be used to fulfill a 5-year minimum contract period
- Practices must be maintained for the required lifespan period beyond contract periods
- Land management practices must be carried out for entire contract period.

---

*Continued on next page*

---

**515.111****b  
Contract  
Responsibilities**

Entity	Responsibility
NRCS	<ul style="list-style-type: none"><li>• Technical responsibility for all EQIP contracts</li><li>• Concur with contracts, modifications, and terminations prior to signing. (Concurrence is noted in the COC minutes).</li></ul>
FSA service center office	<ul style="list-style-type: none"><li>• Prepares and administers contracts.</li></ul>
County FSA committee	<ul style="list-style-type: none"><li>• Approves contracts, contract modifications, and terminations.</li></ul>

---

**c  
Signature  
Requirements**

An EQIP contract must be signed by the:

- Participant receiving cost-share or the incentive payment
- County FSA committee representative
- Owner of land under contract if either of the following apply:
  - the participant cannot provide evidence that he/she will have control of the land, according to paragraph 515.62 (c)
  - a structural practice will be installed.

**Note:** A letter of authorization from the landowner may be substituted when circumstances prevent landowner signature on the contract.

An authorized Tribal or Bureau of Indian Affairs (BIA) representative may sign a contract on behalf of a tribe in which NRCS determines there is sufficient assurance of control on tribal land, Indian trust land, or BIA allotted land for the contract period.

- The BIA or tribal official must also certify in writing that no one person directly or indirectly will receive more than \$10,000 for any fiscal year or \$50,000 for any multi-year contract.

---

*Continued on next page*

---

**515.111****d  
Conservation  
Plan  
Requirement**

The conservation plan becomes a part of the EQIP contract. In addition to the conservation plan requirements identified in section 515.93, the conservation plan must:

- Be acceptable to NRCS
  - Be approved by the conservation district
  - Be signed by the producer
  - Clearly identify conservation practices which will receive EQIP payments and non cost-shared practices.
- 

**e  
Land Units**

A contract may cover a tract, several tracts, or all of the tracts on the farm as identified in the conservation plan. No more than one contract may be in force on a tract at any one time.

Exceptions:

- If the tract is also covered by a cooperative contract developed according to 515.111 (h)
  - If the tract covers Indian tribal land
  - Other unique land situations as determined by the County FSA committee.
- 

**f  
Contract Area**

A contract will cover eligible land that is located either in a priority area or for a significant statewide natural resource concern as identified in the conservation plan.

The producer may participate in EQIP even if only part of the land is in a priority area. If a portion of a field is in the priority area, the whole field may be eligible and included in the contract.

Fields not in priority areas but directly adjacent to priority areas, or fields not affected by significant statewide natural resource concerns, and indirectly affected by these concerns may be determined eligible by NRCS.

---

*Continued on next page*



---

**515.111****g  
Expanded  
Contracts**

An operator of two or more farms with comparable natural resource concerns under one conservation plan may have all farms ranked on one CCC-1201.

**Example:** Rancher Smith operates two ranches, FSA farm numbers 123 and 136. She would like to implement a grazing management system on both adjacent ranches. She completes a CCC-1200 for each ranch. NRCS intends to develop one conservation plan for both ranches. Ranking criteria from both ranches is applied on one CCC-1201. Each ranch will not have to compete against each other during the ranking process although there are two contracts, one for each FSA farm number.

---

**h  
Cooperative  
Contracts**

Two or more eligible operators on two or more farms intending to substantially pool resources, efforts, finances, or other contributions to mutually address comparable resource concerns under one conservation plan may organize as a group and have all farms ranked on one CCC-1201. Participants may designate an agent to handle logistics and obtain a commitment from persons who have an interest. Farms will not have to compete against each other during the ranking process although there are separate contracts, one for each FSA farm number.

Participants will indicate the proportion of the cost each person will bear.

**Examples:** Three farms receive water from an irrigation ditch that is to be lined. It might be considered equitable to assess the cost against each participant based on a flat rate per acre multiplied by the acres on the farm receiving water from the ditch. For a mutual district, the contribution may be based on shares.

A water-runoff control measure involves only 1,000 units of a practice on farm one and only 200 units on farm two. Only 20 acres are benefited on farm one, but 80 acres are benefited on farm two. It might be equitable to base the division of cost on each participant's benefited acreage.

**Note:** Refer to paragraph 515.111 (e) for an exception to the one contract per tract provision.

---

*Continued on next page.*

---

**515.111****i****Who Will  
Maintain  
Contracts**

Contracts will be maintained in the FSA service center office. FSA is responsible for maintaining all contract information and payments made to participants, including the percent of payments made for livestock-related natural resource concerns.

---

**j****Filing EQIP  
Contracts**

When the contract has been prepared, signed, distributed, and its data entered in the FSA computer system, the FSA service center office will prepare a separate folder for each contract. EQIP contracts should be filed according to Handbook 25-AS.

A copy of the following items will be kept in the EQIP contract folder:

- Conservation Program Contract (CCC-1200) - signed by all parties
- Conservation Program Contract Appendix (CCC-1200 Appendix) - entire document including signature page(s)
- Conservation Plan - signed by all parties
- Contract Support Document (NRCS-LTP-11) or equivalent information
- Application Evaluation Worksheet (CCC-1201) - signed by all parties
- Status Review (NRCS-LTP-13 or equivalent)
- Practice Approval and Payment Application (CCC-1245)
- All correspondence pertaining to the producer's participation in EQIP.

**Note:** Original contracts and appendices shall be kept in the FSA security file. Original conservation plans, contract support documents, application evaluation worksheets, and status reviews shall be maintained by NRCS.

County offices may develop a checklist to be used for filing each EQIP contract.

---

*Continued on next page.*

---

**515.111****k****Waiver to  
Commencing a  
Practice**

Although participants are required to commence a financially-assisted conservation practice within the first 12 months of signing a contract, extraordinary circumstances may prevent this from occurring. Such extraordinary circumstances that prevent the timely application of the scheduled conservation practice(s), beyond the participant's control, may include:

- Extraordinary or severe weather conditions that preclude timely practice installation
- Significant crop pest or disease conditions in the field(s) where the practice(s) are to be applied that must be corrected before practice installation
- Unavoidable time delay caused by securing a permit
- Extreme personal hardship, such as:
  - Severe physical condition
  - Death of the participant or farm operator
  - Destruction of a building or equipment by fire or similar situation
  - USDA error or omission
- Financial hardship resulting from one of the above circumstances.

Extraordinary circumstances are those which result in a temporary delay in commencing a conservation practice and should not prevent the participant from meeting the remaining contract requirements.

Waivers may be granted by the County FSA Committee, with the concurrence of the NRCS designated conservationist, to participants who provide satisfactory evidence of the inability to complete or commence a financially-assisted conservation practice within the first 12 months of signing a contract due to extraordinary circumstances beyond their control. The County FSA Committee, with concurrence of the NRCS designated conservationist, will determine a revised deadline for the application of the conservation practice(s).

| **This is a blank page.**

|

## 515.112 Contract Modifications

---

### a Policy

Contracts need to be modified if there is a change in status of:

- Participants
- Land under contract
- Farming operations
- Conservation practices to be performed
- Costs or extents to implement the conservation practices
- Schedule for applying a conservation practice and extending a contract.

**Notes:** Some contract modifications are not allowed if changes in practices to be performed are significant enough to warrant a change in the initial application evaluation ranking. See paragraph 515.112 (n).

Contract modifications are not allowed due to cost inflation.

---

### b Revision Involves Conservation Plan

Any revision to the conservation plan shall be made in accordance with NRCS requirements and is approved by the Conservation District. Revisions to the conservation plan become the basis for a contract modification.

**Note:** The county FSA committee will initial and date the copy of the conservation plan document to indicate receipt.

Conservation plan revisions will be documented, as follows:

- Minor revisions, such as with costs or extents of conservation practices, or for rescheduling installation, may be made with pen and ink on a conservation plan and contract support document, or equivalent information. The designated conservationist will sign the revisions, but signatures of a conservation district or a participant(s) is not required.

**Note:** A form CCC-1245 with NRCS technician's signature may also be used to document minor conservation plan and contract modification needs.

- Major revisions require a formal revision to a conservation plan, and must be signed by a participant(s), designated conservationist, and conservation district. Major revisions involve:
    - Changes to conservation practices to be applied
    - Instances when there is a need to re-evaluate the offer for a revised conservation management system to determine if a contract would have been selected initially with the revised system.
- 

*Continued on next page*

---

**515.112****c****Increased  
Obligations**

Approve modifications that add funds to a contract only if funds are available and the contract and person(s) remains within the payment limitations.

**Notes:** The county FSA committee, with NRCS concurrence, is responsible for approval of any change in contract obligations.

Obligations may not be increased to a contract due to cost inflation.

FSA and NRCS shall inform a participant that increased obligations associated with a contract modification are contingent upon availability of funds and payment limitations, and possibly re-ranking.

Refer to paragraph 515.112 (n) for eligible contract modifications for increased obligations.

---

**d****Current and  
Prior Year  
Modifications**

Current year contract modifications are dependent upon available current year funds.

Prior year contract modifications are dependent upon available contract year modification funds.

---

**e****No Change in  
Contract  
Number**

Do not change the contract number for modifications caused by a change in the conservation plan or estimated costs.

---

*Continued on next page*

---

**515.112****f****Losing Control of Land**

A contract may need to be modified if the participant loses control of all or part of the land under agreement.

If an owner loses control of all or part of the land under EQIP contract, the contract may be:

- Continued under Successor-in-Interest provision (see paragraph 515.112 (j))
- Terminated (see section 515.114).

If a participant other than an owner loses control of all or part of the land under contract, the practice(s) must be performed on the land by the owner or successor-in-interest unless any of the following apply:

- Land involved is no longer included in the contract
  - Farm is reconstituted to remove the land from the contract
  - Conservation plan is revised and practices need not be performed
  - Contract is terminated according to paragraph 515.112 (l).
- 

**g****Gaining Control of Land**

If the land acquired is currently under contract and the land will:

- Be continued under the original contract through successor-in-interest, follow procedure in paragraph 515.112 (j)
- Not be continued under the original contract through successor-in-interest, terminate contract according to paragraph 515.112 (l).

If the land acquired is not under contract, follow these guidelines:

- If the producer already has a contract for the farm to which the newly acquired land is reconstituted, the producer is not required to include the newly acquired land in the existing contract
  - If the producer requests that the land be added to the contract, the newly acquired land is eligible, and a revised conservation plan is developed for the newly acquired land, the COC may modify the contract. Also refer to paragraph 515.112 (n).
- 

*Continued on next page.*

---

**515.112****h****Repairing  
Damaged  
Conservation  
Practices**

EQIP funds may not be used to restore land damaged by a natural disaster if the Emergency Conservation Program (ECP) is approved on the same land.

- Land damaged by natural disaster may be restored under ECP, if available.
- If damage is not eligible under ECP and it is determined that an EQIP practice failed for reasons beyond the producer's control, the practice may be replaced with EQIP funds (see paragraph 515.94 (d)). If a damaged practice is in a current FY contract, current year funding may be obligated to the contract. If a damaged practice is in a prior year contract, funding from a contract modification reserve (see paragraph 515.77 (e)) may be obligated to the contract. Although the EQIP contract must be modified, the contract would not have to be re-ranked.

---

**i****Extending a  
Contract**

The county FSA committee, with NRCS concurrence, may extend an EQIP contract if:

- A conservation practice cannot be completed according to the time schedule on the conservation plan for reasons beyond the control of the participant(s)

In no case may a contract be extended beyond 10 years, in accordance with paragraph 515.111(a).

If an extension of a contract is approved:

- Update the entry for the ending year shown on the contract, per Handbook 2-CONSV

**Note:** A COC member will initial and date the change.

- Notify participants involved of the changes in writing.

---

*Continued on next page*



## 515.112

j

### Determining Eligible Successor-In- Interest

An eligible producer who acquires control of land under an EQIP contract may elect to become a successor-in-interest under EQIP, according to the following table.

If an eligible producer...	AND...	THEN...	
acquires control of land under an approved contract	does not want to continue the contract	terminate the contract according to Section 515.114 or modify the contract according to this paragraph.	
	wants to continue the contract	that person must assume responsibility for all provisions of the contract and take the following action:	
		<b>Step</b>	<b>Action</b>
		1	Develop a new conservation plan.
		2	Revise contract and transfer data from the original contract. Change participant thru Update option.
		3	Assign the suffix "S" to original contract number.
		4	Obtain the necessary signature of successor-in-interest.
		5	Obtain COC and NRCS approval.
	that land is combined with other land under contract	the contract may be modified to include the land acquired, unless it would result in exceeding the maximum payment limitation per contract, and take the following action:	
		<b>Step</b>	<b>Action</b>
		1	Develop new conservation plan.
		2	Prepare new contract and transfer data from the original contract.
		3	Assign suffix "S" to original contract number.
		4	Obtain necessary signature of successor-in-interest.
		5	Obtain COC and NRCS approval.

*Continued on next page*

**515.112**

**k**

---

**RESERVED**

---

*Continued on next page*

---

## 515.112

I

### **Loss of Control of Land and No Successor-In-Interest**

If signatories on the contract voluntarily or involuntarily lose control of all land under contract, terminate the contract.

The county FSA committee, in consultation with NRCS, may determine what portion of EQIP payments previously paid will be refunded.

For cases where loss of control is voluntary on the part of the participant, a refund of moneys paid, forfeiture of those earned and yet to be paid, or liquidated damages, will not be required if the county FSA committee, in consultation with NRCS, determines that both the following apply:

- Assurance that failure to perform the remaining practices on the contract will not impair the effectiveness of those performed.
- Assurance that performed practices will provide conservation or environmental benefits consistent with EQIP goals and objectives for the lifespan of the practice.

For cases where loss of control is involuntary on the part of the participant, including tenants, a refund of moneys paid, forfeiture of those earned and yet to be paid, or liquidated damages, will not be required. Every possible attempt will be made by the county FSA committee and NRCS to encourage the landowner or next land operator to become a successor-in-interest, if eligible.

**Example 1:** A participant loses control of land because of eminent domain actions.

**Example 2 :** A tenant loses control of land due to legal dissolution of the landlord-tenant relationship.

**Note:** Document the basis of determinations in the county FSA committee minutes and on the EQIP contract.

---

*Continued on next page*

---

**515.112****m  
Modification  
Due to Error,  
Omission, or  
Appeal**

If a change in a conservation practice to be performed is the result of an error or omission by a USDA employee, or an appeal determination, a contract modification to increase obligations to a contract are authorized. An error or omission shall be considered to have occurred if it is discovered, after approval of a contract, that because of an action by a USDA employee a practice, component, or extent needed for the functioning of the conservation plan was omitted from, underestimated, or incorrectly recorded on the contract, as approved. A contract, or application, which may be eligible for modification because of error, omission, and appeal determination shall be considered on a case-by-case basis.

A contract may be modified to reflect a change or revision in a conservation plan, due to an error, omission, or appeal determination, either before or after the subject conservation practice is completed.

**Example 1:** During design or installation of a conservation practice, additional technical information is discovered that shows the original design or conservation practice extent estimate is too low; this is an omission.

**Example 2:** During installation of a conservation practice, it is discovered that the contract incorrectly shows the wrong conservation practice; this is an error.

**Example 3:** During installation of a conservation practice, the participant decides to use higher quality materials than are needed to meet the conservation practice standard; this is neither an error or omission and is not eligible for additional obligations.

Funds shall only be increased for a contract if there are insufficient funds obligated to that entire contract, because of an error, omission, or appeal, to make a complete payment to the participant(s) for eligible conservation practices applied. This assures that additional funds are added to a contract only when the additional funds are actually needed.

**Note:** Funds de-obligated from a contract cannot be used to increase any other contract.

---

*Continued on next page*

---

**515.112****m  
Modification  
Due to Error,  
Omission, or  
Appeal  
(Continued)**

**Example 4:** Participant A has a contract for \$30,000 in payments. An omission was discovered while installing the first conservation practice and the practice payment will require \$11,000 instead of the original \$10,000 estimate. Since this is the first payment to be made, there are sufficient funds obligated to the entire contract to make the complete \$11,000 payment. No additional funds may be obligated to the contract at this time.

**Example 5:** Participant A from Example 4 is now in the last year of the contract in FY 2002. All other conservation practices were applied according to the contract. There remains \$2,000 obligated to the contract, but the final practice requires a payment of \$3,000. The county FSA committee refers to the documentation recorded in FY 1998 for the omission and concludes that an additional \$1,000 should be obligated to the contract so that a complete payment can be made to the participant.

**Example 6:** Participant A from Example 4 is now in the last year of the contract in FY 2002. All other conservation practices were applied according to the contract; however, these practices cost less to apply than originally estimated. There remains \$3,000 obligated to the contract, and the final practice requires a payment of \$3,000. Since a complete payment can be made, no additional funds needed to be obligated to the contract.

**Note:** FSA and NRCS will document error or omission information according to paragraph 515.118 (k).

---

*Continued on next page*

**515.112****n****Summary of  
Actions for  
Contract  
Modifications**

Contract modifications increase obligations may or may not be allowed in certain situations. This table summarizes the actions to be taken for contract modifications.

<b>IF a conservation plan is revised . . .</b>	<b>AND. . .</b>	<b>THEN. . .</b>
due to an error, omission, or appeal determination per 515.112 (m)		re-ranking is not required and the contract modification is allowed.
due to repairing a damaged practice per 515.112 (h)		re-ranking is not required and the contract modification is allowed.
due to a successor-in-interest per 515.112 (j)		re-ranking is not required and the contract modification is allowed.
due to changes in a conservation practice to be performed which are not due to error, omission, appeal, repair of practice, or successor-in-interest	the revised offer index and re-ranking would <u>not</u> have been selected for a contract originally	the contract modification is not allowed. New or revised practices should be applied in a subsequent contract.
	the revised offer index and re-ranking would have been selected for a contract originally	the contract modification is allowed if there are sufficient funds obligated to the contract. New or revised practices may need to be applied in a subsequent contract if there are insufficient funds.

The prior year contract modification reserve (paragraph 515.77 (e)) will be used to increase obligations for eligible contract modifications for:

- Error, omission, or appeal determinations per paragraph 515.112 (m)
- Repairing a damaged conservation practice per paragraph 515.112 (h).

| This is a blank page.

|

## 515.113 Compliance

---

### **a** **NRCS Annual Status Review**

Each participant who signs the contract is responsible for complying with the terms of the contract.

NRCS will make annual status reviews of the conservation plan and contract in accordance with section 515.99. NRCS will provide a copy of the completed annual status review to the COC.

---

### **b** **FSA Action**

File the annual status reviews in the contract folders and take required actions on:

- The need for modifications according to section 515.112.
  - Any compliance violations according to section 515.114.
- 

*Continued on next page*



---

**515.113****c****Termination  
for Failure to  
Fully Comply**

The FSA county committee may determine, in consultation with NRCS, that a participant is in violation of the terms of the contract.

The FSA county committee, in consultation with NRCS, will give the participant a reasonable amount of time to correct the violation and comply with the terms of the contract. If a participant continues in violation, the FSA county committee may terminate the contract.

- Termination shall be effective immediately upon determination by the county FSA committee, in consultation with NRCS, that the participant has submitted false information or filed a false claim, or engaged in any act of misrepresentation and scheme or device.
- Participants shall forfeit all rights for future payments under the contract and shall refund all or part of the payments received, plus interest. The FSA county committee, in consultation with NRCS, may require a partial refund of payments received if previously installed practices can function independently, are not affected by the violation or other practices that would have been installed under the contract, and the participant agrees to operate and maintain the installed practices for the practice life span.
- Participants may pay liquidated damages as prescribed in the contract.

**Note:** The FSA county committee, in consultation with NRCS, will have the option to waive liquidated damages.

---

*Continued on next page*

---

**515.113****d****Proof of  
Payment**

All participants will be notified by FSA, in writing, of the proof of payment requirements. Proof of payment documentation must be:

- Maintained for 3 years after the end of the FY in which the practice was completed.
- Presented within 30 calendar days to the FSA county office if selected for administrative compliance check.

Satisfactory evidence of proof of payment includes:

- Canceled checks
- Paid receipts
- Invoices marked paid

**Note:** Certain land management practices may be exempt from proof of payment requirements because there may not be payments made by the participant for management actions.

Refer to paragraph 515.115 (h) for additional guidance.

---

**e****Administrative  
Spot-checks**

FSA will perform administrative spot checks on a minimum of 10 percent of the previous year's contract payments. These spot checks are required to verify practice cost documentation. Administrative spot checks will be:

- Selected by random sample
- Performed in the FY following the FY the participant received the payment
- Mandatory for FSA personnel, FSA county committee members, NRCS personnel, and conservation district personnel
- Required for participants who, in the judgment of FSA or NRCS, should be spot checked.

**Notes:** The 10 percent does not take into consideration required spot checks. If over 25 percent of the producers are unable to provide proof-of-payment documentation, then FSA will spot check all payments made that year.

Producers who cannot produce proof-of-payment documentation at the time of spot-check may be required to refund any moneys paid.

---

*Continued on next page*

---

**515.113****f****Assessing  
Liquidated  
Damages**

Liquidated damages may be assessed for a terminated contract if the county FSA committee determines, in consultation with NRCS, that the action is in the public interest and any of the following apply:

- Termination was due to fraud
- The participant voluntarily requests termination
- The participant voluntarily loses control or transfers all or part of the land under contract and there is no successor in interest.

**Note:** The county FSA committee, in consultation with NRCS, will have the option to waive a part or all liquidated damages.

Liquidated damages should not be assessed for a terminated contract if any of the following apply:

- The participant involuntarily losses control of the land under contract
  - Termination was warranted because of hardship according to section 515.114.
- 

**g****Amount of  
Liquidated  
Damages**

The amount of liquidated damages to assess will be 25 percent of the total amount of EQIP payments made at the time of termination.

---

**h****Misrepresentation,  
Scheme, or  
Device**

The following table will assist in determining the consequences of a misrepresentation, scheme, or device.

<b>A participant who is determined to have knowingly. . .</b>	<b>Will. . .</b>
<ul style="list-style-type: none"><li>• Misrepresented any fact affecting the program determination</li><li>• Adopted any scheme or device that tends to defeat the purpose of the program, or</li><li>• Made any fraudulent representation</li></ul>	<ul style="list-style-type: none"><li>• Not be entitled to contract payments</li><li>• Refund all payments, plus interest, received by such participant with respect to all contracts</li><li>• Have all interest in contracts terminated.</li></ul>

---

## 515.114 Contract Termination

---

### **a** **Justifying Termination**

The FSA county committee may terminate a contract if requested by the producer in writing and the termination is justified, in consultation with NRCS.

Justification includes, but is not limited to:

- Natural disasters
- Other documented hardships
- In the public interest

If the participant voluntarily terminates a contract before any contractual payments are made, the participant shall forfeit all rights to any payments under the contract.

**Note:** The FSA county committee, in consultation with NRCS, will have the option to waive part or all liquidated damages.

If a participant wants to terminate an EQIP contract to enter into the Conservation Reserve Program, refer to Handbook 2-CRP.

---

### **b** **Documenting Termination**

If the contract is terminated, enter "terminated" and the date on the contract along with documentation of the reasons for termination.

---

*Continued on next page*

---

**515.114****c****Refund of  
EQIP Funds**

Total funds previously paid shall be refunded unless the FSA county committee, in consultation with NRCS, determines that any refund owed is based on:

- A proportion which reflects the good faith effort of the participant to comply with the contract
- A proportion which reflects the hardships beyond the participant's control that have prevented compliance with the contract
- Assurance that failure to perform the remaining practices on the contract will not impair the effectiveness of those performed
- Assurance that performed practices will provide conservation or environmental benefits consistent with EQIP goals and objectives
- Assurance that performed practices will be operated and maintained by the producer for required life spans.

---

**d****Interest on  
Refunded  
Payments**

The FSA service center office will calculate interest on refunded payments according to 50-FI and 61-FI.

---

## 515.115 Contract Payments

---

### a Using Direct Deposit

All program payments will be made by electronic fund transfer (EFT), if possible. See Handbook 1-FI.

---

### b Controlling Allocations

The county FSA committee is responsible for keeping the sum of EQIP payments within the amount allocated to the FSA service center office. This will be accomplished using automated ledgers.

Payment may be issued to:

- Participants, joint payees, or assignees
  - Creditor U. S. agencies to offset amount due
  - IRS for non-resident alien income tax. See Handbook 1-CM.
- 

### c Initial Payments

Do not make contract payments in the fiscal year a contract is approved. Payments earned in the first fiscal year cannot be made until the subsequent fiscal year of a contract.

**Example:** A contract entered into from October 1, 1996, through September 30, 1997, cannot have payments made on completed conservation practices until October 1, 1997, the beginning of the subsequent fiscal year.

---

### d When to Prepare Payment

Payment may be prepared when all of the following have been satisfied:

- Producer certifies practice completion on CCC-1245
  - NRCS certifies structural or vegetative conservation practice completion, or land management practice implementation, on CCC-1245
  - Available supporting documentation (bills, invoices, etc.) are submitted to the FSA service center office. See paragraph 515.115 (h).
  - Current AD-1026 is on file
  - Current CCC-502 is approved
  - Other pertinent data is received, if applicable.
- 

*Continued on next page*

---

**515.115****e****Payments Due  
to Deceased,  
Missing, or  
Incompetent  
Persons**

Prepare payments due to persons who are deceased, missing, or incompetent according to Handbook 1-CM.

---

**f****Conditions  
Requiring  
Payment  
Adjustments**

An adjustment to the CCC-1245 is required if:

- Overpayment is caused by an error in data or computations, which includes excess credit to any refund or other charge as well as overpayment by Direct Deposit.
- Underpayment is caused by an error in computations, which includes deficient credit to a refund or other charge as well as underpayment by Direct Deposit.
- Underpayment is caused by erroneous data

**Notes:** If participant reported erroneous data on the original CCC-1245, participant must sign a corrected CCC-1245 to receive additional payment or credit.

If the FSA service center office made an error in the data, the participant's signature is not required

---

**g****Determining  
FY to Which  
Payments are  
Credited**

The date on the CCC-184, or date of electronic transfer, determines the fiscal year to which payments will be credited for payment limitation purposes.

---

*Continued on next page*

---

**h**  
**Support**  
**Documents**

In all cases, obtain evidence to determine whether practice requirements are met and to determine proper payment. This may include:

- Invoices
- Canceled checks
- Receipts
- Analysis tags (seed, fertilizer, other)
- Costs paid by others
- Other similar evidence

For structural and vegetative practices, consider:

- Costs paid by other than the participant
- Discounts
- Whether used materials were used
- Producer's own labor and materials.

The participants will submit a signed, itemized statement which will include:

- Dates of work performed
- Cost per hour charged for labor
- Type of equipment used
- Charge for equipment
- Type and value of materials used, including on-hand or used materials
- Type and value of donated labor or materials
- Other applicable information

**Note:** Certain land management practices may be exempt from support documentation requirements because there may not be standard documentation items for management actions.

---

**i**  
**| Eligible Costs**

The FSA service center office will review all applicable costs for labor, material, equipment used, sales tax, and value of previously used material to determine total eligible cost of the practice.

Any cost which is borne by other than the eligible participant may be included in computing total eligible costs.

**Note:** Eligible costs must be in line with the payment rates and levels established per section 515.101.

---

*Continued on next page*



---

**515.115****j****Ineligible Costs**

Ineligible costs for computing payments earned include:

**FOR COST-SHARE PRACTICES ONLY:**

- Treatments to control insects, diseases, rodents, and nematode
- Weed control measures, unless authorized for a particular practice
- Mowing pastures, chopping or shredding residues from crops for insect control, unless authorized for a particular practice
- Costs of supplemental requirements, such as abstaining from harvesting, protection from fire or grazing and similar provisions for which no payment is authorized
- Loss or reduction in revenue from the land

**FOR COST-SHARE AND INCENTIVE PAYMENT PRACTICES:**

- Pumps and pumping equipment

**Exception:** Permanently installed pumps and pumping equipment that are required as an integral part of an animal waste storage system, tailwater recovery system, or as part of a conservation management system that primarily addresses irrigation induced erosion, water quality, or water conservation may be eligible; permanent or portable pumps and pumping equipment for providing stock water may be eligible, as determined by the NRCS designated conservationist.

- Electric power hook-up
- Dry wells
- Boundary fences

**Exception:** Boundary or property line fences may be eligible, as determined by the NRCS designated conservationist, if:

- the fence is an integral part of a conservation management system, such as a planned grazing system that facilitates improved management of grazing land, or protects certain areas from livestock when it is necessary for proper use of the area
  - the area adjacent to the boundary fence is vital to the success of the conservation management system
  - the primary purpose is not to separate ownership or exclude livestock from transportation networks, residential, commercial, or industrial areas.
- Producer's transportation costs, unless authorized by a particular practice
  - Providing land or the right to use water
  - Rent or other costs of using land
  - Non-USDA technical assistance fees, engineer charges, permit fees, and consultant fees, except when authorized
  - Extents greater than technically needed for the required level of treatment.

---

*Continued on next page*

---

**515.115****k**  
**Rounding**

Round all payments earned to the nearest dollar as follows:

- Increase an amount of \$.50 or more
  - Decrease an amount of \$.49 or less.
- 

**l**  
**Contributions**  
**from Non-**  
**Participants**

When non-participants contribute to the cost of a cost-share practice, their contributions will not be subtracted when computing total cost-shares. However, in no case shall the cost-share payment exceed 100 percent of the participant's contribution to the cost of installing the practice, regardless of the method of payment used (per paragraph 515.101 (h)).

The direct program share of cost-share payments to a participant will be reduced proportionately below the cost-share limit as set according to section 515.101, to the extent that total financial contributions for a conservation practice from all public and private entity sources exceeds 100 percent of the cost of the practice.

**Example:** A producer constructs a wildlife structure at a total cost of \$5,000. The cost-share rate is 75 percent so the producer is entitled to a maximum of \$3,750 in EQIP payments. A wildlife organization provides \$2,000 towards the cost of the project. Because the producer cannot receive more than 100 percent of his contribution to the project ( $\$3,750 + \$2,000 = \$5,750$ ), the producer may only receive \$3,000 in EQIP cost shares rather than \$3,750.

**Example:** Another producer constructs a wildlife structure at a total cost of \$10,000. The 75 percent cost-share entitles the producer to a maximum of \$7,500 in EQIP payments. The wildlife organization contributes \$2,000 to the project. This producer may receive the full EQIP payment plus the wildlife organization payment since the combined payments ( $\$7,500 + \$2,000 = \$9,500$ ) do not exceed 100 percent of the total cost of the practice.

---

a

**Extent  
Performed  
Less Than  
Extent  
Approved**

Use the following table to compute the payments if the extent performed is less than the extent approved:

<b>IF the extent performed is less than the extent approved and the rate is a...</b>	<b>THEN ...</b>
flat rate	multiply the rate (column D) times the extent performed (column F). Enter the result in column G.
percent of cost	<p>enter the smaller of the following in column G:</p> <p>C amount approved in column E</p> <p>C rate in column D multiplied times the total actual cost</p> <p>C maximum "not to exceed" unit multiplied times the extent performed.</p> <p><b>Example:</b>        _____ percent of the actual cost not to exceed                                 \$ _____ per unit (feet, pounds, cubic yards, etc.)</p>
incentive payment	use the incentive payment rate in column D multiplied by the extent performed. If components are not used for incentive payments, there will be no rate in column D.

---

*Continued on next page*

---

**515.116****b****Extent  
Performed  
Greater Than  
Extent  
Approved**

Use the following table to compute the payments if the extent performed is greater than the extent approved:

<b>If the extent performed is greater than the extent approved, and the rate is a...</b>	<b>THEN...</b>
flat rate	enter:  C in column F the actual extent performed C in column G, amount originally approved in column E.
percent of cost	C circle the cost of performing the practice in column F and enter the pro-rated cost of performing the extent on which payment was approved  <b>Note:</b> To determine the prorated costs, divide the extent approved (column C) by the extent performed (column F). Multiply the result times the total cost.  C enter the smaller of the following in column G:  C the uncircled cost multiplied times the applicable percent C the uncircled units performed by the unit limit, if any C the amount approved in column E.
incentive payment	use the incentive payment rate in column D multiplied by the extent performed. If components are not use for incentive payments, there will be no rate in column D.

**Note:** In cases of agency error or omission, column C on the CCC-1245 will be corrected to reflect new extent(s).

---

*Continued on next page*

---

**515.116****c****Use of  
CCC-1245**

CCC-1245 forms shall be completed for both conservation practices receiving payment (either cost-share or incentive) as well as conservation practices receiving no payments, but implemented as part of EQIP contract.

**Note:** CCC-1245 forms for conservation practices to be installed during a fiscal year should be issued at the beginning of the fiscal year in which they are scheduled.

If an error or omission requires a change or substitution in a conservation practice, then a new CCC-1245 must be issued and the contract modified accordingly.

---

**d****Use of  
ACP-246**

Use form ACP-246 when any of the following apply:

- Two or more eligible persons contribute to the cost
  - The net payment must be reduced when:
    - An EQIP provision was violated
    - The total exceeds the maximum payment limitation
  - An adjusted CCC-1245 is prepared
  - Two or more CCC-1245's are being processed for payment at the same time for the same producer.
- 

**e****Completion  
Instruction**

See exhibit 515.138 for an example on how to complete the ACP-246.

---

**f****Date to be  
Completed**

Complete ACP-246 as soon as all cost information and documentation is available.

---

## 515.117 Assignments, Partial Payments, Offsets, and Withholdings

---

### a Assignments

EQIP payments may be assigned by the participant to another entity by preparing CCC-36 according to instructions in Handbook 63-FI. The availability of assignments shall be encouraged throughout all outreach efforts. Assignments may be used when:

- Participants do not have bank accounts for electronic fund transfer (EFT)
  - Participants request direct payment to vendors for contracted work or materials
  - A payment is made on behalf of Cooperative Contract Area participants
  - Requested by participants for other authorized uses.
- 

### b Authority for Partial Payment

Partial payments for completion of part of a conservation practice may be paid if the participant will complete the entire extent of the practice, with or without EQIP assistance, within the time prescribed by the county FSA committee, with NRCS concurrence.

---

### c Making Partial Payments

Make partial payments when **all** of the following conditions are satisfied:

- An application for payment is made on the CCC-1245
- County FSA committee determines that the completed practice components are a reasonable attainment toward completing the practice, with NRCS concurrence
- Completed components are clearly identified on the CCC-1245
- The purpose is not to evade the maximum payment limitation
- The participant agrees to complete the practice on form FSA-18 which must be filed with the CCC-1245.

**Note:** See exhibit 515.142 for instructions to complete form FSA-18.

---

*Continued on next page*

---

**515.117****d****Recovering  
Partial  
Payments If  
Remaining  
Work Not  
Completed**

If the practice is not completed within the time prescribed, the participant must refund the partial payment made unless prevented from completing the practice for reasons beyond the participant's control.

Acceptable reasons for not completing practices may include, but are not limited to, the following:

- Natural disaster
- Involuntary loss of control of the farm
- Death of the participant.

**Note:** NRCS will determine if a revised conservation plan is needed.

---

**e****Offsets From  
Debts**

Enter debts due to the United States on CCC-1245 from the claim control record according to the following table.

<b>IF...</b>	<b>THEN...</b>
a person has more than one debt	identify each debt separately.
a person has more than one debt under the same classification	enter the oldest debt first.
interest is chargeable	compute and show separately.
a debt by a person other than the participant is to be offset from the participant's payment	attach a participant's statement to CCC-1245. The participant's statement shall: <ul style="list-style-type: none"><li>• request that the participant's payment be applied to the other person's debt</li><li>• be signed and dated by the participant</li><li>• be filed with CCC-1245.</li></ul>
a debt is owed by a partnership or joint payees	offset the debt from any payment otherwise due anyone of the partners or payees as an individual.

**Note:** Claims are subject to a late payment interest charge according to 58-FI SCOAP.

---

*Continued on next page*

---

**515.117**  
**f**  
**Recording**  
**Debts**

Record debts owed by partnership member or joint payee.

- Deduct member's share from the payment otherwise due the member's partnership
- The amount deducted:
  - depends on the member's interest in the payment
  - is determined by a signed statement from the partnership's members
  - shall be applied toward liquidating the debt.

Pay any balance due the partnership or joint payee and notify the persons involved of the actions taken.

---

*Continued on next page*



**515.117****g  
Debt  
Identification  
on Forms**

Enter data on CCC-1245 or ACP-246 to clearly identify the nature of the debt and the entity to which it is owed according to this table.

<b>If debt is due...</b>	<b>THEN enter the following on CCC-1245 or ACP-246:</b>
FSA or FSA Farm Credit Programs	<ul style="list-style-type: none"> <li>• FSA program or Farm Credit Program</li> <li>• FY in which debt occurred</li> <li>• If incurred in another county, the State and County code</li> <li>• Debtor's name and county office for Farm Credit Program</li> <li>• County office supervisor for Farm Credit Program</li> <li>• Local Farm Credit address and debtor's account number</li> </ul>
CCC	<ul style="list-style-type: none"> <li>• CCC program</li> <li>• Debtor's name</li> <li>• Account number</li> </ul>
Risk Management Agency	<ul style="list-style-type: none"> <li>• Risk Management Agency</li> <li>• Insurance year</li> <li>• Commodity symbol</li> <li>• Contract number</li> <li>• If the debt originated in another county, the State and county code</li> <li>• "Transferee" or "consignee" if applicant is either of these with respect to the debt.</li> </ul>
Other U. S. Departments, agencies, corporations, or entity	<ul style="list-style-type: none"> <li>• Name or title of the U. S. entity</li> <li>• Entity's receiving address</li> <li>• Debtor's account number.</li> </ul>

**h  
Non-resident  
Alien Income  
Tax**

Deduct income tax from payments due non-resident aliens. Withholding this tax has priority over refunds or assignments. If the tax is to be withheld according to 1-CM, take the following action:

<b>STEP</b>	<b>ACTION</b>
1	Enter "nonresident alien income tax 30 percent" on the appropriate form line.
2	Multiply the total payment from CCC-1245, column H, times 30 percent.
3	Enter the result of step 2 on CCC-1245, "Debt Assignment" field and ACP-246.

*Continued on next page*

---

**515.117****i****Tax Less or  
More Than Net  
Payment Due**

Use the following table when the non-resident alien income tax is less or more than the net payment due.

<b>If the tax is...</b>	<b>THEN take the following action...</b>	
less than the net payment due the producer	<b>Step</b>	<b>Action</b>
	1	Circle the net payment.
	2	Enter the balance after subtracting the tax.
	3	Withhold the tax.
more than the net payment due the producer	<b>Step</b>	<b>Action</b>
	1	Cross out the net payment and enter zero.
	2	Withhold the amount crossed out.  <b>Note:</b> Footnote the entry on CCC-1245.
	3	Enter the tax deficit on CCC-1245 in the lower margin.  <b>Note:</b> Withhold the deficit from other applications for the producer only if readily available. If the deficit is not withheld, cross out the footnoted entry but do not enter on ASCS-604.

---

**j****Priority**

Handle the priority of assignments, offsets, and withholdings according to 1-FI, 58-FI SCOAP, and 63-FI.

---

**k****Preparing IRS  
Forms**

Prepare and distribute IRS forms according to 62-FI.

---

## 515.118 General Administrative Requirements

---

a

### Introduction

This section describes the general EQIP administrative requirements that are performed in USDA service centers.

---

b

### Advising Applicants of Program Provisions

FSA employees, and others such as NRCS, conservation district, or CSREES personnel, who assist applicants in filing applications, shall provide the following information to potential applicants:

- The applicant may be the landowner, operator, tenant, or sharecropper
- Applicants other than landowners must provide evidence of control of the land under contract for the duration of the contract, according to paragraph 515.62 (c)
- The availability of assignments when bank accounts do not exist for Electronic Bank Transfers (EFT)
- The conservation practice shall not be started before written approval of the application by the county FSA committee, unless granted a specific waiver to start the practice, according to paragraph 515.81 (l)
- If the conservation practice has been established, and is currently within the required life span of another Federal program, the practice is not eligible for EQIP payments
- The maximum payment limitation to a person is \$10,000 per FY and \$50,000 per contract.

**Note:** The State Conservationist can grant waivers to the \$10,000 maximum annual payment limitation, in accordance with section 515.103.

---

*Continued on next page*

---

**515.118****c****Basic Services**

For participants without established records and wanting to apply for EQIP, FSA shall obtain or establish:

- FSA farm and tract numbers

**Note:** Delineate farm and tract boundaries on aerial photographs according to Handbook 2-CP.

- Producer name and address information
  - CCC-502 for participants for maximum payment limitation determinations
  - Entity and member ID numbers, and member percent share information on CCC-502, as well as other information as required by Handbook 1-CM, if not already on file for applicants other than individuals included on form AD-1026.
- 

**d****Forms Needed  
for  
Application**

The following forms shall be completed by the applicant in order for an EQIP application to be processed:

Form Number	Form Name	Reference
CCC-1200	Conservation Program Contract and Appendix	Exhibit 515.131 Handbook 2-CONSV, text throughout, Exhibit 4, 5
AD-1026	Highly Erodible Land and Wetland Conservation Certification	Paragraph 515.118(c) Paragraph 515.61(k) Handbook 6-CP (Rev. 2) for filing and certification dates and other AD-1026 requirements.
CCC-502	Applicable Farm Operating Plan Forms	Handbook 1-PL

---

*Continued on next page*

## 515.118

e

### HEL and WC Compliance

The applicant must be in compliance with the highly erodible land and wetland conservation provisions. The applicant shall file an AD-1026 form, in accordance with Handbook 6-CP and paragraph 515.118(d).

---

f

### Payment Information and Person Determinatio ns

When making person determinations for the purposes of producer eligibility and payment limitations, refer to section 515.102 and Handbook 1-PL.

For EQIP, the following provisions in 1-PL do **not** apply:

- State and political subdivisions. See paragraph 515.61(a)
- Actively engaged (1-PL, subparagraph 16.B)
- Cash rent tenants (1-PL, subparagraph 16.B)
- Foreign persons (1-PL, subparagraph 16.B)

In order for an individual or entity other than an individual to be considered a separate person, in addition to other provisions of this section, the individual or entity shall:

- Have a separate and distinct interest in the land or the crop involved
- Exercise separate responsibility for such interest
- Maintain funds or accounts separate from that of any other individual or entity for such interest.

---

*Continued on next page*

---

**515.118****g****Documenting  
County FSA  
Committee****Determinations**

In addition to documentation in county FSA committee minutes in accordance with paragraph 515.118(h), written documentation is required of county FSA committee determinations.

Either of the following is acceptable to document other types of county FSA committee determinations:

- Annotation on the document of the determination, signed and dated by a county FSA committee member on the document
- A statement signed and dated by a county FSA committee member and attached to the document.

**Note:** Document shall be cross-referenced to minutes.

---

**h****Required  
County FSA  
Committee  
Minute****Documentation**

Every county FSA committee determination shall be documented in county FSA committee minutes and shall include:

- Producer(s)' name
  - Contract number
  - Fund Code
  - Farm and tract number
  - Sufficient information specific to **each** county FSA committee determination to create a justifiable record to support actions.
- 

*Continued on next page*

---

**515.118****i  
Documenting  
NRCS  
Concurrence**

Written documentation is required when NRCS concurrence is necessary for various county FSA committee actions.

Either of the following is acceptable to document NRCS concurrence:

- Annotation on the document of NRCS concurrence, signed and dated by an authorized NRCS representative on the document.
- A statement signed and dated by an authorized NRCS representative and attached to the document.

**Note:** Document shall be cross-referenced to minutes.

---

**j  
Documenting  
Action**

In addition to county FSA committee minutes, FSA and NRCS service center employees shall create a written record to record the facts on either:

- The document involved
- A statement attached to the document.

**Note:** The employee that takes the action and records the facts shall sign or initial and date the documentation.

---

*Continued on next page*

---

**515.118****k****Documenting  
Reasons for  
Errors or  
Omissions**

When an error or omission is discovered, the agency responsible for the error or omission will document the reasons for the occurrence.

FSA and NRCS service center employees shall review errors and omissions cases with the county FSA committee, and document according to paragraph 515.118(j). The following are needed for error or omission documentation:

- nature of the error or omission
- additional cost-share or incentive payment amount approved to address the error or omission.

**Note:** File a copy of the documentation in the EQIP contract folder.

---

**l****Delegations of  
Authority**

Certain county FSA committee authorities may be delegated to the County Executive Director (CED) or to an individual county FSA committee member. Determination of the following may be delegated:

- The sufficiency of signature(s) and authority of person(s) signing in a representative capacity
- The value of :
  - Ineligible contributions
  - Contributions of each person who contribute to performing a conservation practice
- Whether the performance justifies payments on the extent performed, with NRCS concurrence
- Approval of the following, with NRCS concurrence:
  - Changes in approved extent or payment
  - Extensions of time to complete and report performance of a practice

---

*Continued on next page*



---

**515.118****l****Delegations of Authority**  
(continued)

- Determining whether there is a violation of contract
- Producer eligibility

Each county FSA committee shall establish and specify determinations that will be delegated to CED. Delegations shall be recorded in county FSA committee minutes, and filed according to Handbook 25-AS. CED shall carry out responsibilities according to county FSA committee delegations. Each county FSA committee shall review delegated authorities annually to ensure the delegations are being followed.

**m****Authority Not to be Delegated**

- The following county FSA committee authorities shall **not** be delegated:
- Developing recommendations on EQIP policies in cooperation with local work group
  - Developing and updating EQIP in cooperation with local work group
  - Hearing appeals for reconsideration and making decisions on appeals
  - Determining priorities for EQIP in cooperation with the local work group
  - Approving contracts
  - Authority to act on matters involving the farms of State FSA Committee or county FSA committee members, or the CED.

**n****Voting Limitations**

A county FSA committee member shall abstain from voting on any determination regarding a farm in which that member or an immediate family member has a personal interest.

*Continued on next page*

---

**515.118**

**o**  
**Automated**  
**Coding**  
**System**

Establish and maintain a list of components applicable for practices under EQIP according to Handbook 2-CONSV, Part 2.

---

**p**  
**Power of**  
**Attorney**

Request that applicants complete form FSA-211 for power of attorney when needed. Prepare according to the instructions in Handbook 1-CM.

---

## Subpart L - Program Evaluation and Assessment

### 515.120 Overview

---

#### **a** **Introduction**

NRCS conducts the program evaluation and assessment to ensure that program purposes are met.

---

#### **b** **Purpose**

This subpart establishes a process for ensuring that program responsibilities are carried out in a manner that meets the requirements of the law, rules, regulations, and agency policy.

Performance will be evaluated at the farm, priority area, State, regional, and national levels.

---

## 515.121 Evaluation and Assessment Process

---

### **a** **Overall Process**

This table outlines the program evaluation and assessment process for the program.

Stage	Description
1	At the farm level, an assessment is made with regard to site-specific effects, i.e. soil loss, nutrient application.
2	A priority area evaluation is performed using the site-specific data gathered at the farm level.
3	All evaluations are aggregated for State, regional and national level summaries.

---

### **b** **Farm Level Assessment**

The designated conservationist will:

- Determine benchmark natural resource conditions
  - Measure outcomes using conservation effects
  - Determine financial investment.
- 

### **c** **Priority Area Assessment**

The designated conservationist for the priority area will:

- Establish the baseline natural resource conditions through assessment
  - Establish performance indicators
  - Measure outcomes through inventories, modeling, monitoring, and other means
  - Determine financial investment.
- 

### **d** **State Assessment**

The State Conservationist will:

- Establish State performance indicators
  - Compile baseline data from priority areas and natural resource priority concerns outside of priority areas
  - Determine financial investment
  - Compile program accomplishments.
- 

*Continued on next page.*

---

**515.121****e****Regional  
Assessment**

The Regional Conservationist will:

- Establish regional performance indicators
  - Compile baseline data from States
  - Compile State program accomplishments
  - Determine financial investment
  - Incorporate results into the regional strategic plan.
- 

**f****National  
Assessment**

The Deputy Chief for Programs will:

- Establish national performance indicators
- Compile baseline data from regions
- Compile program accomplishments
- Compile national-level information on amount of program funds targeted and expended on livestock-related natural resource concerns
- Determine financial investment
- Report to Congress.

National program assessments will be done by aggregating assessments, data, and information from other levels in order to provide a national summary of overall program performance.

---

**g****Periodic  
Evaluation**

Evaluations at all levels will be performed on an annual basis, except in cases where evaluation is presumed to be more critical such as at the end of the program.

---

**h****Civil Rights  
Assessment**

At all levels, program managers will compile information concerning the outreach to and participation of producers, by ethnic background and gender. This information will be used to assess whether satisfactory efforts have been made to ensure that limited resource producers, minorities, and others who may not have historically participated in previous conservation programs are being equitably served in EQIP.

---

## 515.122 Identification of Performance Indicators

---

**a**

### **Explanation**

NRCS is in the process of establishing a uniform set of performance indicators. A list of performance indicators is pending.

---

## 515.123 Collection of Data and Information

---

### **a** **Introduction**

Program evaluation is performed internally by NRCS and FSA. NRCS may use the support from other Federal agencies to conduct portions of the evaluation and assessments, including environmental monitoring and research, such as:

- Economic Research Service (ERS)
  - Agricultural Research Service (ARS)
  - Environmental Protection Agency (EPA)
  - National Oceanic and Atmospheric Agency (NOAA)
  - U. S. Geologic Survey (USGS)
  - Bureau of Land Management (BLM)
  - Others.
- 

### **b** **Process**

Stage	Description
1	Program indicators and environmental strategies are established by NRCS in consultation with other agencies.
2	Indicator variables and data are identified and collected.
3	All activities on case files, outreach and information are documented in FOCS. Performance measurement and budget justification information will be gathered through NIMS.
4	Additional inventories, modeling, monitoring, or research support from other Federal agencies is used to establish an environmental baseline.
5	Baseline data is established.
6	Follow-up data on environmental attributes, such as water quality, wildlife, etc., will be collected to measure changes in environmental function from the original environmental baseline established.

---

## **515.124      Program Evaluation and Assessment Report**

---

### **a Assessment Report**

At each level where the evaluation and assessment is performed, the designated evaluator will report on the findings for the evaluation period. Information from reports will be aggregated and used as one of the tools in evaluating program effectiveness.

---



## **Subpart M - Exhibits**

### **515.130 Overview**

---

#### **a Introduction**

This subpart contains CCC forms and worksheets, and examples of a conservation plan, contract support document, and other items which have EQIP components.

---

**This is a blank page.**

**515.131 CCC-1200, Conservation Program Contract**

CCC-1200  
(04-15-97)  
FORM APPROVED  
OMB NO. 0560-0174

U.S. DEPARTMENT OF AGRICULTURE  
COMMODITY CREDIT CORPORATION

CONSERVATION PROGRAM CONTRACT

1. State & County Code:
2. Signup Number :
- 3a. Farm Number :
- b. Tract Number(s) :
4. Contract Number :
5. Fund Code :
6. HUA Number :

7. PROGRAM (Check One)	a. Conservation Farm Option (CFO)	b. Conservation Reserve Program (CRP)	c. Environmental Quality Incentives Program (EQIP)
	d. Farmland Protection Program (FPP)	e. Wildlife Habitat Incentives Program (WHIP)	

## 8. CONTRACT LANGUAGE

THIS CONTRACT entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned owners, operators, or tenants (referred to as "Owner", "Operator" & "Tenant"; respectively) on the farm identified above. The undersigned person or persons shall hereafter be referred to as "the Participant". The Participant agrees to participate in the program designated in Section 7 during the stipulated contract period identified in Section 9 from the date the Contract is executed by the CCC. The Participant also agrees to implement the Conservation Plan developed and approved by the Participant and CCC. Additionally, the Participant and CCC agree to comply with the terms and conditions contained in this Contract, including the appendix to this Contract, entitled "Appendix to Form CCC-1200" for the applicable program (referred to as "Appendix"), and any addendum thereto. The Participant also agrees to pay such applicable liquidated damages in an amount specified in the Appendix for the applicable program if the Participant withdraws prior to CCC acceptance or rejection. BY SIGNING THIS CONTRACT, PARTICIPANTS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORMS CCC-1200, APPENDIX, AND ANY ADDENDUM THERETO.

## 9a. PERFORMANCE/PAYMENT SCHEDULED FOR CONTRACT

[illegible]

9b. AGREEMENT PERIOD	From:	To:	9c. CONTRACT OBLIGATIONS	\$
----------------------	-------	-----	--------------------------	----

## 10. CONTRACT PARTICIPANTS

NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES	ID NUMBER: 1/	
			%	SIGNATURE:	DATE
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES	ID NUMBER: 1/	
			%	SIGNATURE:	DATE
11. CCC USE ONLY - Payments according to the shares approved.				SIGNATURE OF CCC REPRESENTATIVE	DATE

1/ Joint operation ID, if applicable.

*Continued on next page*

**CCC-1200, Conservation Program Contract, p.1 Continued**

Continued on next page

CCC-1200, Page 2  
(04-15-97)  
FORM APPROVED  
OMB NO. 0560-0174

U.S. DEPARTMENT OF AGRICULTURE  
COMMODITY CREDIT CORPORATION

CONSERVATION PROGRAM CONTRACT

1. State & County Code :  
2. Signup Number :  
3a. Farm Number :  
b. Tract Number(s) :  
4. Contract Number :  
5. Fund Code :

PRIVACY ACT AND PUBLIC BURDEN STATEMENT

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is 7 CFR 1466 (EQIP), 1470 (WHIP), and 1469 (FPP). The information will be used to allow a farmer, rancher, or landowner to apply for conservation benefits under the terms and conditions of the contract. Furnishing the requested information is necessary to determine properly the eligible land for the applicable program benefits. Failure to furnish the requested information will result in the applicant being unable to apply for or receive benefits under the applicable programs. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.

Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM (OMB NO. 0560-0174), Stop 7630, Washington, D.C. 20250-7630. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.

NONDISCRIMINATION STATEMENT

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.

*Continued on next page*

515.131

## CCC-1200, Conservation Program Contract, p.2 Continued

CCC-1200 Continuation Page 2 (04-15-97) FORM APPROVED OMB NO. 0560-0174		U.S. DEPARTMENT OF AGRICULTURE COMMODITY CREDIT CORPORATION		1. State & County Code: _____ 2. Signup Number : _____ 3a. Farm Number : _____ b. Tract Number(s) : _____ 4. Contract Number : _____ 5. Fund Code : _____	
C O N S E R V A T I O N   P R O G R A M   C O N T R A C T					
10. CONTRACT PARTICIPANTS, Continued					
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES %	ID NUMBER: 1/ SIGNATURE:	DATE
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES %	ID NUMBER: 1/ SIGNATURE:	DATE
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES %	ID NUMBER: 1/ SIGNATURE:	DATE
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES %	ID NUMBER: 1/ SIGNATURE:	DATE
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES %	ID NUMBER: 1/ SIGNATURE:	DATE
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES %	ID NUMBER: 1/ SIGNATURE:	DATE
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES %	ID NUMBER: 1/ SIGNATURE:	DATE
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES %	ID NUMBER: 1/ SIGNATURE:	DATE
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES %	ID NUMBER: 1/ SIGNATURE:	DATE
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES %	ID NUMBER: 1/ SIGNATURE:	DATE
NAME, ADDRESS, and PHONE NUMBER	OW	OP	PAYMENT SHARES %	ID NUMBER: 1/ SIGNATURE:	DATE
1/ Joint operation ID, if applicable.					

# 515.131 CCC-1200, Appendix

---

REPRODUCE LOCALLY. Include form number and date on all reproductions.

CCC-1200 (Appendix)  
(12-31-98)

Form Approved OMB No. 0560-0174

See CCC-1200 for Privacy Act and  
Public Burden Statements

U. S. DEPARTMENT OF AGRICULTURE  
Commodity Credit Corporation

## APPENDIX TO FORM CCC-1200 ENVIRONMENTAL QUALITY INCENTIVES PROGRAM CONTRACT

### 1 DEFINITIONS

The following definitions are applicable to the Environmental Quality Incentives Program contract.

- A** **EQIP contract or CCC-1200** means the program documents including the applicable contract appendix, conservation plan, entered into between the Commodity Credit Corporation (CCC) and the participant. Such contract shall set forth the terms and conditions for participation in the EQIP and receipt of EQIP payments.
- B** **Conservation plan** means a record of a participant's decisions, and supporting information, for treatment of a unit of land or water, and includes the schedule of operations, activities, and estimated expenditures needed to solve identified natural resource concerns.
- C** **Conservation practice** means a specified treatment, such as a structural, vegetative, or land management practice, which is planned and applied according to NRCS standards and specifications and as part of a conservation management system (CMS).
- D** **Structural practice** means a conservation practice which primarily involves the establishment, construction, or installation of a site-specific measure to conserve, protect from degradation, or improve soil, water, or related natural resources in the most cost-effective manner. Examples include, but are not limited to, animal waste management facilities, terraces, grassed waterways, tailwater pits, livestock water development, and capping of abandoned wells.
- E** **Land management practice** means conservation practices that primarily require site-specific management techniques and methods to conserve, protect from degradation, or improve soil, water, or related natural resources in the most cost-effective manner. Land management practices include, but are not limited to, nutrient management, manure management, integrated pest management, integrated crop management, irrigation water management, tillage or residue management, stripcropping, contour farming, grazing management, and wildlife habitat management.
- F** **Vegetative practice** means conservation practices which primarily involve the establishment or planting of a site-specific vegetative measure to conserve, protect from degradation, or improve soil, water, or related natural resources in the most cost-effective manner. Examples include, but are not limited to, contour grass strips, filterstrips, critical area plantings, and permanent wildlife habitat.

---

*Continued on next page.*

---

**515.131 CCC-1200, Appendix, Continued**

- G** **Conservation management system (CMS)** means any combination of conservation practices and land management practices that, if applied, will protect or improve the soil, water, or related natural resources. A CMS may treat one or all of the natural resources to the sustainable level, or to a greater or lesser extent than the sustainable level.
- H** **Cost-share payment** means the financial assistance from CCC to the participant to share the cost of installing a structural or vegetative practice.
- I** **Incentive payment** means the financial assistance from CCC to the participant in an amount and at a rate determined appropriate to encourage the participant to perform a land management practice that would not otherwise be initiated without program assistance.
- J** **Unit of concern** means a parcel of agricultural land that has natural resource conditions that are a concern to the participant as outlined in the conservation plan.
- K** **Technical Assistance** means the personnel and support resources needed to conduct conservation planning; conservation practice survey, layout, design, installation, and certification; training, certification, and provide quality assurance for professional conservationists; and evaluation and assessment of the program.
- L** All other words and phrases, unless the context of subject matter otherwise requires, shall have the meanings assigned to them in the regulations governing the Environmental Quality Incentives Program which are found at 7 CFR Part 1466.

**2 ELIGIBILITY REQUIREMENTS FOR ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP)**

- A** By signing the EQIP contract, the participant certifies that such participant will control the land subject to the contract for the contract period and shall, upon demand, provide evidence to CCC demonstrating that such participant will control the land for that period.
- B** A participant shall not be eligible for cost-share or incentive payments on eligible land if the participant receives cost-share payments or other benefits for the same land under the Conservation Reserve Program (7 CFR Parts 704 or 1410) or Wetlands Reserve Program (7 CFR Parts 703, 620, or 1467).
- C** Land otherwise eligible for the EQIP shall not be eligible if the land is subject to a deed or other restriction prohibiting the application of the conservation plan and associated practices or where a benefit has or will be obtained from a Federal agency in return for the participant's agreement not to implement the conservation plan and associated practices on the land during the same time as the land would be enrolled in the EQIP. By applying for the EQIP contract, the participant certifies as a condition for payment that no such restrictions apply to such land.

**3 SELECTING OFFERS FROM PRODUCERS**

- A** All applications will be ranked using criteria that will consider the environmental benefits per program dollar expended, a reasonable estimate of the cost of the conservation practices, and other factors for determining which applications will present the maximum environmental benefits for the least cost to the program. The highest ranked applications will be selected for a contract.

---

*Continued on next page.*



---

**515.131 CCC-1200, Appendix, Continued**

- B** The applicant may improve his/her ranking by providing additional environmental benefits without increasing the program cost or by offering and accepting less than the maximum program payments allowed. An applicant's decision to offer and accept lesser program payments is confidential until the end of the application period and will be used to determine contract payments. The CCC-1201, Application Evaluation Worksheet, will be sent to the applicant following completion of the contract application evaluation. The applicant has 10 calendar days from the date on the CCC-1201 Application Evaluation Worksheet, not to exceed the date of final ranking, in which to modify the offer and decision regarding the program application.

**4 AGREEMENT**

**A** The participant agrees:

- (1) That the CCC-1200 (EQIP contract ) and its addenda shall be considered a request to enter into the Environmental Quality Incentives Program on the terms specified on CCC-1200 and its addenda.
- (2) To place eligible land into the EQIP for a period of time as specified on the CCC-1200 (5 to 10 years), from the date of the contract executed by CCC;
- (3) To apply or commence a financially assisted practice within the first 12 months from the date of the contract executed by CCC. The participant may be granted a waiver to this requirement by the FSA county committee.
- (4) Not to start any financially assisted practice before the contract is executed by CCC. The participant may be granted a waiver to this requirement by the NRCS State Conservationist.
- (5) To comply with the terms and conditions of the conservation plan and all Federal, State, and local laws that apply to the plan content;
- (6) To establish, maintain for required lifespans, and replace, as specified in the contract, the practices agreed to in the conservation plan
- (7) Not to undertake any action on land under the participant's control which tends to defeat the purposes of this contract, as determined by CCC;
- (8) To discontinue work in the general area of the site and notify NRCS immediately if during the construction of any practice a previously unidentified archeological or historical site is encountered;
- (9) To maintain proof of payment documentation, if applicable, for 3 years after the end of the fiscal year in which the practice was completed and to present this documentation to CCC within 30 days if selected for administrative compliance check; and
- (10) To file annually, required forms for payment limitation determinations.

---

*Continued on next page.*

---

**515.131 CCC-1200, Appendix, Continued**

**B** CCC agrees, subject to the availability of funds, to:

- (1) Share the cost with owners and operators of establishing an eligible practice, or an identified unit thereof, agreed to in the conservation plan;
- (2) Pay to the participant an interest penalty on cost-share and incentive payments not made by the date, as determined by CCC, the payment is due.

**5 CONSERVATION PLAN**

**A** Subject to the approval of CCC, the conservation plan will include all of the following information and requirements:

- (1) The conservation and incentive practices to be undertaken on the land enrolled in EQIP;
- (2) A schedule of operations, activities, and estimated expenditures needed to solve identified natural resource problems on the land enrolled in EQIP;
- (3) The level of environmental benefits which must be attained on the land enrolled in EQIP; and,
- (4) Any other practices required to fulfill the intent of the conservation plan.

**B** By signing the conservation plan, the participant agrees to implement the practices specified in such conservation plan on the land enrolled in EQIP.

**6 PAYMENTS**

**A** Subject to the availability of funds, cost-share and incentive payments, as approved by CCC, shall be made available upon a determination by CCC that an eligible practice, or an identifiable unit thereof, has been established in compliance with the conservation plan and with appropriate standards and specifications.

**B** CCC will make cost-share and incentive payments, as approved by CCC, available to the participant at the rate specified in the.

**C** Except as otherwise provided for in this paragraph, cost-share and incentive payments, as approved by CCC, may be made available under the EQIP only for the establishment or application of an eligible practice. In order to receive cost-share and incentive payments, as approved by CCC, the participant, upon certification of the completion practice, must file Form CCC-1245 with CCC at the USDA Service Center responsible for the administration of the participant's farm records.

**D** Contract expenditures entered into during the fiscal year a contract is approved shall not be made until the subsequent fiscal year.

**7 PROVISIONS RELATING TO TENANTS AND LANDLORDS**

Notwithstanding Paragraph 15, no payment will be approved for the current year if CCC determines that any of the following conditions exist:

---

*Continued on next page.*

---

## **515.131 CCC-1200, Appendix, Continued**

- A** The landlord or operator has not given the tenants that have an interest in the unit of concern covered by the conservation plan, or that have a lease that runs through the CCC-1200 period at the time of sign up, an opportunity to participate in the benefits of the program;
- B** The landlord or operator has adopted any other scheme or device for the purpose of depriving any tenant of any benefits to which such tenant would otherwise be entitled. If any such conditions occur or are discovered after payments have been made, all or any part of the payments, as determined by CCC, must be refunded with interest and no further payments shall be made.

### **8 ERRONEOUS REPRESENTATION AND SCHEME AND DEVICE**

- A** A participant who is determined to have erroneously represented any fact affecting a determination with respect to this contract and the regulations applicable to this contract, adopted any scheme or device which tends to defeat the purposes of this contract, or made any fraudulent representation with respect to this contract, will not be entitled to payments or any other benefits made in accordance with this contract and the participant must refund to CCC all payments received by such participant, plus interest and liquidated damages thereon, with respect to the contract. Such liquidated damages will be determined in accordance with paragraph 9 of this Appendix.
- B** Refunds determined to be due and owed to CCC in accordance with this contract will bear interest at the rate which CCC is required to pay for its borrowing from the United States Treasury on the date of the disbursement by CCC of the moneys to be refunded. Interest will accrue from the date of such disbursement by CCC.
- C** The provisions of paragraph 7A of this Appendix shall be applicable in addition to any liability under criminal and civil fraud statutes, including 18 U.S.C. 268, 287, 371, 641, 1001; 15 U.S.C. 714m; and 31 U.S.C. 3729, or any other liability to which the participant may be subject.

### **9 LIQUIDATED DAMAGES**

It is mutually agreed that in the event the approved EQIP contract is breached by the participant, the CCC will suffer substantial damages which may not be possible to quantify with certainty. Therefore, in addition to the refund of payments received plus interest due, for breach of contract prescribed in this contract, the participant agrees to pay an amount equal to the product obtained by multiplying: (1) 25 percent by, (2) the sum of payments disbursed for practices specified on form CCC-1245 that have been performed subject to the contract, as liquidated damages and not as a penalty.

### **10 NOTIFICATION OF CHANGES TO TERMS AND CONDITIONS OF THE CONTRACT**

CCC agrees that if any changes of any terms and conditions of this contract, including changes necessary to reconcile the technical practices listed on the CCC-1200 to those specified in the conservation plan, become necessary prior to the date that this contract is approved on behalf of CCC, CCC will notify the persons signing the CCC-1200 of such change and such person will be given 10 days from the date of notification in which to agree to the revised terms and conditions or to withdraw from the contract request. The participant agrees to notify the CCC of an intention to withdraw from the contract request within 10 days from the date of the issuance of such notice and further agrees that failure to notify the CCC will constitute agreement to the revised terms and conditions.

---

*Continued on next page.*

---

## **515.131 CCC-1200, Appendix, Continued**

### **11 CORRECTIONS**

CCC reserves the right to correct all errors in entering data or the results of computations in the contract.

### **12 TERMINATION OF CONTRACT; JOINT LIABILITY**

If a participant fails to carry out the terms and conditions of this contract but CCC determines that such failure does not warrant termination of this contract, CCC may require such participant to refund, with interest, payments received under this contract, or require the participant to accept such adjustments in the subsequent payments as are determined to be appropriate by CCC.

### **13 CONTRACT MODIFICATIONS**

**A** CCC may modify this contract to add, or substitute certain practices when:

- (1) The installed practice failed to adequately treat a unit of land or water through no fault of the participants;
- (2) The installed practice has caused adverse impacts to significant cultural and environmental resources identified in the conservation plan, or those discovered as a result of installation;
- (3) The installed measure has deteriorated because of conditions beyond the control of the participants; or
- (4) Another practice will achieve at least the same level of environmental benefits.

**B** Any modification to the CCC-1200 or conservation plan that is significant enough to warrant a change in the initial CCC-1200 ranking may disallow the modification altogether.

**C** Any modification to the CCC-1200 or conservation plan will require the concurrence of all participants.

**D** Concurrence of NRCS and the conservation district shall be obtained by CCC when modifications to this contract involve a technical aspect of a participant's conservation plan.

### **14 EFFECTIVE DATE AND CHANGES TO CONTRACT**

**A** The EQIP contract is effective when signed by the participants and an authorized representative of CCC. Except as otherwise determined by CCC, the contract may not be revoked or revised unless by mutual agreement between the parties. Within the dates established by CCC, the contract must be signed by all required participants.

In the event that a statute is enacted during the period of this contract which would materially change the terms and conditions of this contract, the CCC may require the participants to elect between acceptance of modifications in this contract consistent with the provisions of such statute or termination of this contract.

---

*Continued on next page.*

---

**515.131 CCC-1200, Appendix, Continued**

- B** The EQIP contract shall be carried out in accordance with all Federal statute and regulations, included but not limited to the National Environmental Policy Act, the Endangered Species Act, National Historic Preservation Act, Title VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987, other nondiscrimination statutes, and the regulations of the Secretary of Agriculture found at 7 CFR Part 15, Subparts A & B. The CCC may, without incurring liability for breach of the contract, terminate the EQIP contract, in whole or in part, if CCC determines that continued operation of the contract will result in the violation of a Federal statute or regulation, or if CCC determines that termination would be in the public interest.

**15 REGULATIONS TO PREVAIL**

The regulations in 7 CFR Part 1466 for the EQIP are incorporated herein. In the event of a conflict between these regulations and the terms of this Appendix, the provisions of the regulations will prevail.

By signing the EQIP contract, the participant certifies that he/she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while conducting any activity associated with the EQIP contract. This certification is a material representation of fact upon which reliance was placed when CCC determined to award this EQIP contract. If it is later determined that the participant knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act (Public Law 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.; 7 CFR part 3017, Subpart F, Section 3017.600) CCC, in addition to any other remedies available to the United States, may take action authorized under the Drug-Free Workplace Act.

---

**515.131 CCC-1200, Appendix, Continued**

The following owners, operators, and producers by entering their signature acknowledge receipt of this Appendix to CCC-1200 and agree to the terms and conditions thereof. Further if the undersigned are succeeding to an existing EQIP contract, the undersigned agree and certify that no agreement exists or will be entered into between the undersigned, the previous owner and operator of the property, or mortgage holder that would, maintain or create an interest in the property in any previous participant on the EQIP contract for that property, or to receive payments under the contracts.

_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____
_____	Date _____

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14<sup>th</sup> and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer



**Application Evaluation Worksheet**

Applicant Name: \_\_\_\_\_

Application No: \_\_\_\_\_

III. Conservation Practices	Practice Amount	Cost-Share Rate or Incentive Payment Level		Estimated Program Cost
		Established Rate/Level	Requested by Applicant	

Total Program Costs: \_\_\_\_\_

\$ \_\_\_\_\_

**VII. Remarks****IX. Designated Conservationist**\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Date)**X. Applicant Agreement with Indicated Practices and Payment Levels**\_\_\_\_\_  
(Signature)\_\_\_\_\_  
(Date)

**NOTE:** The applicant has 10 calendar days, after the date of signing the form, to modify the conservation practices, practice amount, or payment rates or levels requested, if desired. This form is not an authorization for the applicant to begin application of requested conservation practices.

**Privacy Act Statement:** The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 522a). The authorities for requesting the information to be supplied on this form are: 16 U.S.C. 590a-f (Soil and Water Conservation); 16 U.S.C. 3801 et seq. (Food Security Act of 1985, as amended), and the regulations promulgated thereunder. The information requested is necessary for the evaluation of an application, development and implementation of a conservation plan as the basis for satisfying program eligibility and compliance requirements, and for providing technical, educational, or financial assistance under the previously mentioned authorities. Furnishing this information is voluntary; however, failure to furnish correct, complete information will result in the withholding or withdrawal of such technical, educational, or financial assistance. This information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other State or Federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.

**Public Burden Statement:** According to the Paperwork Reduction Act of 1985, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is 0560-0174. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**Non-Discrimination Statement:** The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326W, Whitten Building, 14th and Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.



# 515.133 CCC-1245, Practice Approval & Payment Application

CCC-1245 (07-17-97)		U.S. DEPARTMENT OF AGRICULTURE COMMODITY CREDIT CORPORATION PRACTICE APPROVAL AND PAYMENT APPLICATION		FORM APPROVED		OMB NO. 0560-0174	
				1. State & County Code		2. Control Number (Fiscal Year & Number)	
3. Farm and Tract Number(s)		4. Name, Address and Telephone Number		5. Farmland Cropland			
6. Program Code	7. Fund Code	8. Contract Number	9. Livestock (Y or N)	10. EXPIRATION NOTICE Practice must be completed & reported by:			
				11. ID Number			
You are approved to perform the practice shown below for the farm and contract identified above. If you decide not to perform this practice, or if you cannot complete it by the expiration date, please notify Commodity Credit Corporation.							
12. Practice Location:							
13. Number A	Practice Title B		Extent Approved C	Rate D	Cost-Share Incentive Approved E	Extent Performed F	Cost-Share Incentive Earned G
14. Actual Cost & Performance Data				15. Performance Report			
a. Total Install. Cost		b. Date Performed					
This practice has been performed to the extent shown in ITEM 13F and meets program requirements. If the practice does not meet practice specifications or if additional work is required, explain in ITEM 15.				16. Technician's Signature		Date	
17. INSTRUCTIONS TO PARTICIPANT: To receive payment or credit for any cost-share or incentive earned on this practice, report performance in Col. F of 13 and complete ITEMS 18 & 19 below; date and sign the certification below, and file with the issuing office by the date noted in BLOCK 10.							
18. Did you bear all the expense (except for program cost-sharing) for performing this practice? (If No, report name(s) and address(es) of other person(s) or agency who bore any part of the expenses. Also show kind, extent and value of their contribution.)  YES /___/ NO /___/				20. Total Cost-Share / Incentive Earned			
				21. Payment Advance (Partial Payment)			
				22. Offset			
				23. Claim/Receivable			
				24. Net Payment			
19. During the current fiscal year Oct. 1 - Sep. 30, have you received or will you receive a cost-share / incentive payment under the same program on this or any other farm other than through this CCC-1245? (If yes, report State, County, and amount by farm).  YES /___/ NO /___/				25. Payment Approved (initials)			
				26. Check/Direct Deposit Number			
<b>CERTIFICATION BY PARTICIPANT:</b> I certify that the above information is true and correct. I further certify that the entry in Col. F shows that the practice was performed in accordance with the practice specifications and other program requirements. I hereby apply for payment to the extent that the Approving Official has determined that the practice has been performed and further certify that this payment is not a duplicate of any other earned by me. I agree to maintain this practice for at least ___ years following the year the practice is completed. I agree to refund all or part of the cost-share/incentive assistance paid to me, as determined by the Approving Official, if before expiration of the practice lifespan specified above, I (a) destroy the practice installed, or (b) voluntarily relinquish control or title to the land on which the installed practice has been established and the new owner and/ or operator of the land does not agree in writing to properly maintain the practice for the remainder of its specified lifespan.							
27. SIGNATURE:						DATE:	

Continued on next page.

CCC-1245, Page 2 (07-17-97)	FORM APPROVED OMB NO. 0560-0174
<p>U.S. DEPARTMENT OF AGRICULTURE</p> <p>COMMODITY CREDIT CORPORATION</p> <p>PRACTICE APPROVAL AND PAYMENT APPLICATION</p>	
<p>PRIVACY ACT AND PUBLIC BURDEN STATEMENT</p>	
NOTE:	<p>The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is 7 CFR 1466 (EQIP), 1470 (WHIP), and 1469 (FPP). The information will be used to allow the participant to submit performance data, including certain receipts and/or sales documents, in order to claim Federal cost-share or incentive on practices installed on his/her farm or ranch under the program. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in the participant being unable to receive program benefits. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m, and 31 USC 3729, may be applicable to the information provided.</p> <p>Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM (OMB NO. 0560-0174), Stop 7630, Washington D.C. 20250-7630. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</p>
<p>NONDISCRIMINATION STATEMENT</p>	
<p>This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.</p>	

# 515.134 Conservation Plan, Example

U.S. DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE  
Anywhere F.O.

Page 1 of 4  
05/20/97  
(000)000-0000

## CONSERVATION PLAN

Client: Brown, Farmer  
Assisted By: Richard Heizer

LAND UNITS		PLANNED			APPLIED		PLANNED CONSERVATION TREATMENT
TRACT	FIELD	AMOUNT	MONTH	YEAR	AMOUNT	DATE	
1234	3, 4	400.0Ac					<b>Cropland</b> This system provides substantial water quality and erosion benefits
1235	9	50.0Ac					
1234	3	200.0Ac	04	1998			<b>CONSERVATION CROP ROTATION</b> An adapted sequence of irrigated pasture or hay and small grains will be grown and maintained to provide organic residue for maintenance or improvement of soil tilth. This sequence reduces soil erosion, improve water efficiency and improve water quality. A minimum of 4 years grass/alfalfa and a maximum of 4 years of annual small grains will be grown.
	4	200.0Ac	04	1998			
1235	9 HEL*	50.0Ac	04	1989	50.0Ac	04/12/1989	
1234	3	1.0Ac	09	1997			<b>GRASSED WATERWAY</b> Construct according to NRCS specifications.
1234	3	200.0Ac	04	1999			<b>NUTRIENT MANAGEMENT</b> Managing the amount, form, placement and timing of plant nutrient applications to: provide a nutrient supply for optimum crop yields; reduce nutrient risk to surface and ground waters; maintain or improve soil condition. Nutrient application rates will be based on soil test results using realistic crop yield goals, or a nutrient management plan accounting for all nutrient sources. Apply according to 590 specifications.
	4	200.0Ac	04	1999			
1234	3	200.0Ac	10	1997			<b>RESIDUE MANAGEMENT, SEASONAL</b> Crop residues are used to protect cultivated fields during the critical wind erosion period, Nov. 1st to May 1st, conserve moisture, increase soil infiltration, reduce soil loss, and improve soil tilth. A minimum of 6000 lbs./ac. corn residues will be left on the soil surface over winter. Seedbed prep. will be performed after April 1st. Herbicides may replace tillage to control weeds.
	4	200.0Ac	10	1997			
1235	9 HEL*	50.0Ac	10	1989	50.0Ac	09/12/1989	
1234	1	20.0Ac					<b>Farmstead/Dairy</b> Provides for safe and adequate animal waste storage.
1234	1	500.0ft	10	1999			<b>FENCE</b> Construct fence using 4 or more strands of barbed wire for

HEL Fields marked as HEL are highly erodible fields.

HEL\* Reapplication of this conservation practice on this highly erodible field is required for compliance with the Food Security Act of 1985. See the Conservation Plan for details about first time application.

Continued on next page

# 515.134 Conservation Plan, Example, p. 2

U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE Anywhere F.O.							Page 2 of 4 05/20/97 000)000-0000	
CONSERVATION PLAN								
Client: Brown, Farmer Assisted By: Richard Heizer								
LAND UNITS		PLANNED			APPLIED		PLANNED CONSERVATION TREATMENT	
TRACT	FIELD	AMOUNT	MONTH	YEAR	AMOUNT	DATE		
1234	1	1.0no	07	1998			the purpose of facilitating livestock management. Line and brace posts may be wood, metal, tubular steel, or concrete. Use new materials and follow NRCS standards and specifications.	
							WASTE STORAGE FACILITY Construct facility.	
1234	7, 6	104.0Ac					Forest Land Provide for protection of riparian area.	
1234	7	4.0ac	05	1997			RIPARIAN FOREST BUFFER Establish area to native bottomland hardwood species.	
1234	6	100.0ac	05	1997			WILDLIFE UPLAND HABITAT MANAGEMENT Areas will be retained, created, or managed to promote upland food and shelter for wildlife. Areas will be protected from mowing, grazing and burning from April 1 to June 30 to avoid disturbance of nesting activities. Adequate food and cover will be maintained overwinter.	
1234	2	100.0Ac					Pastureland System provides for proper nutrient application.	
1234	2	500.0ft	10	1999			FENCE Construct fence using 4 or more strands of barbed wire for the purpose of facilitating livestock management. Line and brace posts may be wood, metal, tubular steel, or concrete. Use new materials and follow NRCS standards and specifications.	
1234	2	100.0ac	10	1997			NUTRIENT MANAGEMENT Managing the amount, form, placement and timing of plant nutrient applications to: provide a nutrient supply for optimum crop yields; reduce nutrient risk to surface and ground waters; maintain or improve soil condition. Nutrient application rates will be based on soil test results using realistic crop yield goals, or a nutrient management plan accounting for all nutrient sources. Apply according to 590 specifications.	

HEL Fields marked as HEL are highly erodible fields.  
HEL\* Reapplication of this conservation practice on this highly erodible field is required for compliance with the Food Security Act of 1985. See the Conservation Plan for details about first time application.

Continued on next page

515.134 Conservation Plan, Example, p. 3

U.S. DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE  
Anywhere F.O.

Page 3 of 4  
05/20/97  
(000)000-0000

CONSERVATION PLAN

Client: Brown, Farmer  
Assisted By: Richard Helzer

LAND UNITS		PLANNED			APPLIED		PLANNED CONSERVATION TREATMENT
TRACT	FIELD	AMOUNT	MONTH	YEAR	AMOUNT	DATE	
1234	2	100.0ac	10	1997			PREScribed GRAZING Grazing will be done according to a strict schedule.
1234	5	20.0Ac					Wetland Wildlife Provide water quality protection.
1234	5	8.0ac	09	1997			FILTER STRIP Establish filter strip to remove pollutants and sediment from runoff.
1234	5	20.0ac	09	1997			WILDLIFE WETLAND HABITAT MANAGEMENT Retain, create, or manage wetland habitat for water fowl, furbearers, or other wildlife.

HEL Fields marked as HEL are highly erodible fields.

HEL\* Reapplication of this conservation practice on this highly erodible field is required for compliance with the Food Security Act of 1985. See the Conservation Plan for details about first time application.

Continued on next page

# 515.134 Conservation Plan, Example, p. 4

<p>U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE Anywhere F.O.</p>	<p>Page 4 of 4 05/20/97 (000)000-0000</p>
--	---

CONSERVATION PLAN APPROVAL

Client: Brown, Farmer  
Assisted By: Richard Metzger

Opid	Tract	ACRES	LAND UNIT NAME	OWNER NAME
1	1234	644.0	West Farm	Brown, Farmer
2	1235	50.0	East Tract	Brown, Farmer
TOTAL		694.0 ACRES		

CERTIFICATION OF COMPLIANCE WITH THE FOOD SECURITY ACT, 1985

I (We) concur in the conservation practices and installation schedules indicated in this conservation plan for all fields labeled HEL\*. I (We) understand that, when this conservation plan for HEL fields is applied to the land and maintained on a continuing basis, the conservation system will meet all of the Food Security Act of 1985 requirements for conservation compliance. Furthermore, I (we) understand that if any fields other than those HEL fields specified in this plan will be used for the production of agricultural commodities, I (we) will contact ASCS and SCS for an HEL determination.

Cooperator (Producer)	Date
-----------------------	------

The above Conservation Plan meets the requirements of the Field Office Technical Guide.

District Conservationist	Date
--------------------------	------

Approved by	Date
-------------	------

Conservation District	Date
-----------------------	------

HEL Fields marked as HEL are highly erodible fields.  
HEL\* Reapplication of this conservation practice on this highly erodible field is required for compliance with the Food Security Act of 1985. See the Conservation Plan for details about first time application.

# 515.135 Contract Support Document, Example

U. S. DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE  
Any Field Office (000) 000-0000

INTERIM) NRCS-LTP-11-E | PAGE  
1-97 | 1 OF 3

CONTRACT SUPPORT DOCUMENT											
NO.: 1301			TOTAL ACRES: 644.0								
Farmer Brown			Any County			State					
ITEM NO	FIELD	PLANNED CONSERVATION TREATMENT	EST. AMOUNT (UNITS)	COST / UNIT	COST SHARE %	ESTIMATED COST-SHARE BY YEAR					
						1997	1998	1999	2000	2001	2002
1	5	Tract 1234 FILTER STRIP (393) Filter Strip (Livestock)	8.0 AC.	\$ 187.50	50%	\$ 750					
2	7	Tract 1234 RIPARIAN FOREST BUFFER (391) Buffer (Livestock)	4.0 AC.	\$ 250.00	75%	\$ 750					
3	1	Tract 1234 WASTE STORAGE FACILITY (313) Storage Facility (Livestock)	1.0 NO.	\$28350.00	100FR	\$ 28350					
4	1	Tract 1234 FENCE (382) Fence (Livestock)	500 FT.	\$ 1.00	75%	\$ 375					
5	3	Tract 1234 GRASSED WATERWAY (412) Shaping and Seeding	1.0 AC.	\$ 800.00	75%	\$ 600					
6	3,4	Tract 1234 RESIDUE MANAGEMENT, SEASONAL (344) Residue Management	400.0 AC.	1.00	100FR	\$ 400					
7	3,4	Tract 1234 NUTRIENT MANAGEMENT (590) Manure Applied (Livestock)	400.0 AC.	\$ 5.00	100FR	\$ 2000					

- NOTES:
- A. All items numbered under "ITEM NO." must be carried out as part of this contract to prevent violation.
  - B. When established, the conservation practices listed as "PLANNED CONSERVATION TREATMENT" must be maintained by the participant at no cost to the government.
  - C. Enter total cost per unit under "COST/UNIT" unless the method of cost-share is flat rate. When flat rate, enter the amount per unit to be paid to the participant.
  - D. All cost share rates shown under "COST SHARE %" are based on average cost (AC) with the following exceptions:
    - FR = Flat rate
    - NC = Non cost-shared
    - AM = Actual cost not to exceed a specified maximum
  - E. Total cost share by calendar year amounts may differ from those displayed in the SUMMARY section by fiscal year depending on what month the item is scheduled and on the fiscal year basis of the program.

Continued on next page

U. S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE Field Office (000) 000-0000				CONTRACT SUPPORT DOCUMENT NO.: 1301 TOTAL ACRES: 644.0		(INTERIM) NRCS-LTP-11-E 1-97		PAGE 2 OF 3			
Carl Carlson Farms				Jackson County		TX					
ITEM NO	FIELD	PLANNED CONSERVATION TREATMENT	EST. AMOUNT (UNITS)	COST / UNIT	COST SHARE %	ESTIMATED COST-SHARE BY YEAR					
						1997	1998	1999	2000	2001	2002
8	2	Tract 1234 PRESCRIBED GRAZING (528A) Presc. Grazing (Livestock)	100.0 AC.	\$ 4.00	100FR	\$ 400					
9	3,4	Tract 1234 CONSERVATION CROPPING SEQUENCE (328)	400.0 AC.	\$ 1.00	100FR	\$ 400					
10	2	Tract 1234 FENCE (382) Fence (Livestock)	500 FT.	\$ 1.00	75			\$ 375			
11	2	Tract 1234 WILDLIFE UPLAND HABITAT MANAGEMENT (645)	100 AC.	\$ NC	NC	100 AC.					
Total Cost-Share by Calendar Year:						\$ 2900	\$ 28750	\$ 2750	\$		
SUMMARY		PROGRAM	CONTRACT NO.	TOTAL	1997	1998	1999	2000	2001	2002	
Total Cost-Share by Fiscal Year:		EQIP	1301		\$ 2100	\$ 29550	\$ 2375	\$ 375			
Total Contract Cost-Share:		EQIP	1301	\$ 34400							

Note: State Conservationist granted waiver to \$10,000 annual limitation in 1998.

Continued on next page



U. S. DEPARTMENT OF AGRICULTURE  
NATURAL RESOURCES CONSERVATION SERVICE  
Any Field Office (000) 000-0000

(INTERIM) NRCS-LTP-11B-E PAGE  
1-97 3 OF 3

CONTRACT AGREEMENT DOCUMENT  
NO.: 1301 TOTAL ACRES: 644.0

Farmer Brown | County | State

This information is used in both the development and implementation of a Conservation, Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are: 16 U.S.C. 590a-f (Soil and Water Conservation); 16 U.S.C. 590h(b) (Agriculture Conservation); 16 U.S.C. 590p(b) (Great Plains); 30 U.S.C. 1236 et seq. (Rural Abandoned Mine Reclamation); 43 U.S.C. 1592(c) (Colorado River Basin Salinity Control); The Food Security Act of 1985, Public Law 99-198; Federal Agriculture Improvement and Reform Act of 1996, Public Law 104-127 and the regulations promulgated thereunder. Furnishing information is voluntary and will be confidential; however, it is necessary in order to receive assistance.

By signing, the participant acknowledges receipt of this conservation plan, CONTRACT SUPPORT DOCUMENT NRCS-LTP-11-E, and agrees to comply with the terms and conditions hereof.

CERTIFICATION OF PARTICIPANTS:

SIGNATURE	DATE	SIGNATURE	DATE	SIGNATURE	DATE
Signature Not Required					

SIGNATURE	DATE

CERTIFICATION OF:

DESIGNATED CONSERVATIONIST	DATE	CONSERVATION DISTRICT	DATE

**This is a blank page.**

## 515.136 Animal Unit Calculations

---

### Guidance for Calculating the Number of Animal Units in a Livestock Enterprise

#### Introduction

EQIP counts animal numbers as a function of animal units. Animal units are also used as the basis for estimating manure production and manure nutrient content. For the purposes of calculating animal units, an animal unit means 1,000 pounds of live weight of any given livestock species or any combination of livestock species.

#### Calculating Animal Units Numbers

Converting animal numbers into an equivalent number of animal units requires a knowledge of the weight of the animal. This may be the mature weight for some classes of animals (for example, a milking cow which maintains a relatively uniform weight throughout its production life), or the weight of the animal at the mid-point of the production cycle for other classes of animals (such as a finishing pig which may enter a production facility at 150 lbs. and leave at 220 lbs.). NRCS has developed conversion factors that facilitate converting animal numbers into an equivalent number of animal units.

Table 1 lists the number of live animals that are equivalent to an animal unit for most of the major animal species that are raised in a confinement situation and the corresponding average weight of the animal. These factors will be used directly to make conversions from animal numbers to animal units. While these computations are the same as those used for the design of agricultural waste storage/treatment facilities, it is not intended to be as detailed. Rather, animals should be divided into the categories shown in Table 1 and computations made for program considerations. States may develop other categories or use other average weights, however, every effort should be made to reach consistency across state and regional lines.

#### Using Table 1

Determine the number of animals in each category shown on the table. Divide the number of animals in an enterprise by the number of animals per 1000 lbs. animal unit (from Table 1) to determine the animal units. For operations that contain animals not shown in Table 1 or for which categories have not been established, determine the average weight of the animals, divide that average weight by 1000 lbs. to determine the number of animals per animal unit for each category. Then divide the number of animals in each category by the number of animals per animal unit for each category. Finally, total the animal units for all categories.

---

*Continued on next page*

---

**515.136 Animal Unit Calculations, Continued**

Example: Operation A is primarily a dairy operation with 300 milking cows, 50 replacement heifers and 50 calves (less than 2 months old). The farm also has two 20,000-bird broiler houses, and raises 500 rabbits, which average 4 lbs. each. Determine the total animal units:

$$300 \text{ milking cows} \div 0.7 \text{ cows/a.u. (Table 1)} = 429 \text{ a.u.}$$

$$50 \text{ heifers} \div 1.8 \text{ heifers/a.u. (Table 1)} = 28 \text{ a.u.}$$

$$50 \text{ calves} \div 6.7 \text{ calves/a.u. (Table 1)} = 7 \text{ a.u.}$$

$$40,000 \text{ broilers} / 455 \text{ broilers/a.u. (Table 1)} = 88 \text{ a.u.}$$

$$1000 \text{ lbs/a.u.} \div 4 \text{ lbs/rabbit} = 250 \text{ rabbits/a.u.}$$

$$500 \text{ rabbits} \div 250 \text{ rabbits/a.u. (calculated)} = \underline{2 \text{ a.u.}}$$

$$\text{TOTAL} \quad 554 \text{ a.u.}$$

**TABLE 1**

ANIMAL TYPE	APPROXIMATE AVERAGE ANIMAL WEIGHT (LBS)	NUMBER OF ANIMALS PER 1,000 POUND AU
<b>BEEF</b>		
Feeder	875	1.1
Calf	250	4
Breeding Stock	1000	1
<b>DAIRY</b>		
Mature Cow	1400	0.7
Heifer/Heifer Calf	550	1.8
Calf (0-2 months old)	150	6.7
Bull/Bull Calf	875	1.1
<b>POULTRY</b>		
Broiler	2.2	455
Layer	4	250
Pullet (<3mo. old)	2.2	455
Pullet (>3 mo. old)	4	250
Turkey On Feed	15	66.7
Turkey - Breeding Stock	20	50
<b>SWINE</b>		
Nursery Pig	50	20
Growing Pig	110	9.1
Finishing Pig	185	5.4
Gestating Sow	275	3.6
Sow and Litter	375	2.7
Boar	350	2.9

---

*Continued on next page*

---

**515.136      Animal Unit Calculations, Continued**

**Counting Animal Units in a Livestock Enterprise  
for Determining Eligibility for Cost Share of Waste Storage/Treatment Facilities**

When determining animal units of the participant's livestock enterprise for determining eligibility for cost share of waste storage/treatment facilities, the total number of animals confined at all locations of the participant's livestock enterprise will be used, not just the animals at the particular site of the proposed animal waste management facility. In the event animals are confined in several states which use different categories or different average weights, the calculations shall be made using the average weights and categories for the state where the storage/treatment facility is proposed regardless of where the animals are confined.

The following three-step process is used to determine the animal units associated with the livestock enterprise and whether they are confined livestock facilities.

1. Determine whether the participant operated one or more confined livestock facilities during the past twelve months.

This may be accomplished by asking each participant whether or not they operated one or more confined facilities during the past 12 months. If the answer is no, the process stops at this point. If they answer yes, the process continues through steps two and three.

2. Determine the number of animals in the livestock enterprise raised in confinement.

For participants who operated one or more confined animal facilities during the past twelve months, determine the number of animal raised in confinement.

This can be done by having the participant document the maximum number of livestock confined for a total of 45 days or more during the past twelve month period. These numbers will be used for making the calculation of animal units.

For facilities operated by the same participant, during only part of a year, the number of animals from two or more facilities are not added to determine the total number if the confinement periods are at different times. When confinement periods do not overlap, the number of animals at the largest facility is used. If the confinement periods for several facilities overlap, the number of animals at each of the overlapping facilities are added to determine the number of animal units.

---

*Continued on next page*

---

**515.136      Animal Unit Calculations, Continued**

3. Determine the total number of animal units in the confined livestock enterprise and whether the livestock enterprise meets the definition of “large”.

The animal numbers identified in Step 2 are converted to their equivalent number of animal units using the appropriate conversion factors for each type of animal.

The number of animal units for each type of animal raised in confinement are added to determine the total number of animal units in the livestock enterprise.

If the total number of animal units in the confined livestock enterprise equals or exceeds the threshold for an animal type, the enterprise is considered large for that animal type.

In accordance with 515.96 (d), financial assistance is not available to construct an animal waste management facility on a large confined livestock operation. For EQIP, an animal waste management facility means a structural practice used for the storage or treatment of animal waste, including structures for both solids and liquids, waste treatment lagoons (aerobic, anaerobic, and mechanically aerated), oxidation ditches, and all appurtenant structures, equipment, and components used for collection and transfer of waste to the storage or treatment facility. Alleys, gutters, slatted floors, reception pits and associated pumps, gravity flow pipes and associated components (gates, valves, etc.), pushoff ramps, picket dams, drying/dewatering equipment, mechanical separation equipment, on-site manure composting facilities, settling basins, and fencing associated with the storage/treatment structure are all considered part of the waste management facility.

Financial assistance is available to establish components of a waste utilization system on a large confined livestock operation. Certain components used to remove or transport the waste from the storage or treatment facility to other locations where it is properly used and managed are considered part of the waste utilization system. These components could include permanently-installed pumps for emptying the facility or irrigation pipelines for applying the waste to land. The waste utilization system includes the plan that specifies the rates at which the waste will be applied to the land, and the practices that enable the application rates to be achieved. Composting facilities for the purpose of handling animal mortality and vegetative filters are also eligible on a large confined livestock operation.

---

*Continued on next page*

---

**515.136      Animal Unit Calculations, Continued**

*This sample form may be used to document information for producers and for determining animal units on a livestock operation or enterprise.*

Does the **total** number of **confined** animals owned or managed by your operation, in this state and other states, exceed (the applicant's state definition of a large confined animal facility) **animal units**? (You may need to calculate your total animal numbers below.)

☐

Yes

☐

No

**Total** number of confined animals is the sum of the maximum number of animals confined for 45 days or more during the past 12-month period in all facilities owned or managed by the applicant.

**Confined** animals are held for a total of 45 days or more in any 12 month period in a livestock facility that stables, feeds, confines, or maintains the animals in an area that does not sustain crops, vegetation, forage growth, or post harvest residue.

An **animal unit** means 1,000 pounds of live weight of any livestock species or any combination of livestock species.

If **YES**, how many animals of each type do you have confined on your operations and in which states are these animals confined?

Animal Type	Animal Number	State Located	Number of Animals per Animal Unit	Animal Units
Total Animal Units =				

---

*Continued on next page*

515.136      **Animal Unit Calculations, Continued**

*Sample Confined Livestock Operation Size Distribution*

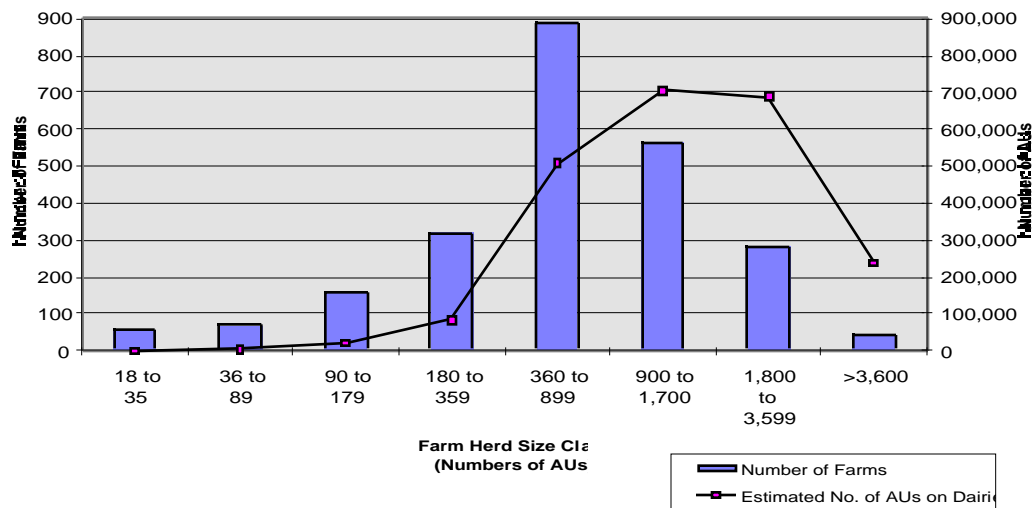
**California Dairies**

Source: 1992 Census of Agriculture

(Farms with more than 10 milk cows)

Size class distribution greater than 1,000 milk cows estimated  
from 1995 DHIA data)

Size Class, No. of AUs	Number of Farms	% of all Farms	Estimated No. of AUs on Dairies	% of all Dairy AUs
18 to 35	55	2	1,242	0
36 to 89	71	3	3,969	0
90 to 179	162	7	21,019	1
180 to 359	321	14	83,284	4
360 to 899	887	37	508,747	23
900 to 1,700	566	24	703,872	31
1,800 to 3,599	282	12	687,987	31
>3,600	42	2	235,204	11





## 515.137 Examples for Determining Eligibility for Cost-Share On Animal Waste Storage/Treatment Facilities

---

The following examples illustrate how to determine the total number of animal units for a confined livestock operation or enterprise. Some examples are based on the establishment of one statewide threshold for all animal types to define a large confined livestock operation. Other examples are based on establishment of multiple thresholds for various the animal types. The examples show that in most situations it is easier to use animal units instead of animal numbers.

The procedures for determining total number of animal units vary depending on the characteristics of the site or sites on which animals are raised in confinement. Consideration must be made on the likelihood that the same animals may be moved from one location to another within the enterprise.

### **One Threshold Level**

These situations demonstrate how to determine the number of animal units and eligibility of producers where the one animal unit threshold level is used.

#### **Situation #1**

Producer A has different numbers of animal units in confinement at one location at various times of the year. From January through March there are 1500 animal units and from October through December there are 1000 animal units. Each period of confinement is greater than 45 days. To determine eligibility for this producer, use the larger number, i.e. 1500 animal units.

In this situation, intermittent production cycles occur at a single site. Since it is a single site, the largest number of animals produced in confinement for 45 days or more is used.

#### **Situation #2**

Producer B has animals confined at two different locations during the year. From February through April there are 1600 animal units at location A and from September through November there are 1100 animal units at location B. Each period of confinement is at least 45 days. Since the confinement periods do not overlap, the numbers are not added. To determine eligibility for this producer, use the larger number, i.e. 1600 animal units.

In this situation, intermittent production cycles occur at two sites. The sites are not operated during a common period. Therefore, the livestock production is similar to Situation #1. Use the largest number of animals produced at one of the sites.

---

*Continued on next page*

---

**515.137 Examples, Continued****Situation #3**

Producer C has animals confined at different locations for different periods during the year, as indicated below. Each period of confinement is at least 45 days. To determine eligibility for this producer you need to consider the dates of confinement. If any of the confinement periods overlap, then the animal units for each of those periods will be added.

Location	Number of Animal Units	Days of Confinement
A	1600	Jan 15 - Apr 30
B	1100	Mar 31 - Jul 30
C	1200	May 30 - Aug 30
D	800	Feb 1 - Apr 30

Since the production cycles at locations A and D overlap during the months of February and March, their numbers are added, i.e. 2400 animal units. The production cycles at locations B and C also overlap, so their numbers are added, i.e. 2300 animal units. There is no overlap between production at A/D and B/C, so the producer's eligibility will be based on the larger number of animal units, i.e. 2400 animal units.

**Different Threshold Levels Due To Different Animal Types Or Geographic Areas**

The next group of situations demonstrate how to determine animal units and the eligibility of producers where the animal unit threshold levels are different. This may be the result of different thresholds because of different animal types at one location or animals located in more than one state or area with different thresholds.

For situations involving different locations and thresholds it will be necessary to determine which threshold number to use to calculate each "fraction". A fraction is the number of animal units divided by the threshold number. The threshold for any type of animal will be the threshold number at the location where the proposed facility, for which EQIP payments are requested, will be located.

Two conditions must be met for a producer to be eligible: 1) The sum of all animal units from all operations must be equal to or less than the threshold number for the animal type of the proposed animal waste management facility, and 2) The sum of the fractions from all operations is less than or equal to 1.0. If the sum of the fractions from all operations is greater than 1.0, then use the condition 1 only to determine eligibility.

---

*Continued on next page*

---

**515.137 Examples, Continued****Situation #4**

Producer D has two types of animals at one location and thresholds are different for each animal.

Type Animal	Threshold Number Animal Units	Animal Units	Fraction
A	5000	2000	0.4
B	500	200	0.4
		-----	-----
		2200	0.8

Is the producer eligible with animal type A? Yes. The sum of all animal units from all operations (2200 AU) is less than the threshold number for the animal type of the proposed animal waste management facility (5000 AU) and the sum of the fractions from all operations (0.8) is less than or equal to 1.0.

Is the producer eligible with animal type B? No. Although the sum of the fractions from all operations (0.8) is less than or equal to 1.0, the sum of all animal units from all operations (2200 AU) is greater than the threshold number for the animal type of the proposed animal waste management facility (500 AU).

**Situation #5**

Producer E is similar to situation #4 except the animal units of type B.

Type Animal	Threshold Number Animal Units	Animal Units	Fraction
A	5000	2000	0.4
B	500	600	1.2
		-----	-----
		2600	1.6

Is the producer eligible with animal type A? Yes. The sum of all animal units from all operations (2600 AU) is less than the threshold number for the animal type of the proposed animal waste management facility (5000 AU) even though the sum of the fractions from all operations (1.6) is greater than 1.0.

Is the producer eligible with animal type B? No. The sum of all animal units from all operations (2600 AU) is greater than the threshold number for the animal type of the proposed animal waste management facility (500 AU) and the animal units animal type B (600 AU) is greater than the threshold number for the animal type of the proposed animal waste management facility (500 AU).

**This is a blank page.**

<b>ACP-246</b> (12-07-93)					U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		1. FISCAL YEAR	
<b>PAYMENT SUMMARY SHEET</b>								
2. FARM NO.			NAME AND ADDRESS OF FARMER			3. NAME AND ADDRESS OF FARMER		
A. PRACTICE NO.	B. COST-SHARE EARNED	C. PAYMENT DEDUCTION	D. PERCENT	E. SHARE OF REDUCTION	F. PAYMENT REDUCTION	G. PERCENT	H. SHARE OF REDUCTION	I. PAYMENT SHARE
4.	\$	\$		\$	\$		\$	\$
5.								
6.								
7.								
8.								
9.								
10. Total		\$		\$			\$	
11. Total cost-share earned					\$	Total cost-share earned		\$
12. Other reductions ( <i>Violations of general provisions</i> )						Other reductions		
13. Total after reductions						Total after reductions		
14. Payment reduction						Payment reduction		
15. Debts Assignments						Debts Assignments		
16. Net payment to farmer					\$	Net payment to farmer		\$
17. APPROVED FOR PAYMENT  BY			18. CHECK NO.			19. CHECK NO.		
20. REMARKS:								
21. PREPARED BY					DATE			

**This is a blank page.**

# 515.139 NRCS Application Ranking Report to FSA

## Application Ranking Report

Priority Area: \_\_\_\_\_

Significant Statewide Concern: \_\_\_\_\_

Application Period: \_\_\_\_\_ County: \_\_\_\_\_

Remarks: \_\_\_\_\_

Completed by: \_\_\_\_\_ ☐ Initial Report ☐ Final Report

Rank	Applicant Name	Application / Contract Number	County	Eligible Land (Y / N)	Offer Index	Estimated EQIP Payments
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						

\* Not ranked; applicant in lower screening category

---

**515.139 NRCS Application Ranking Report to FSA, Example**

**Application Ranking Report**

Priority Area: **Dirty River Watershed**

Significant Statewide Concern: \_\_\_\_\_

Application Period: **June, 1997**

County: **Harmony**

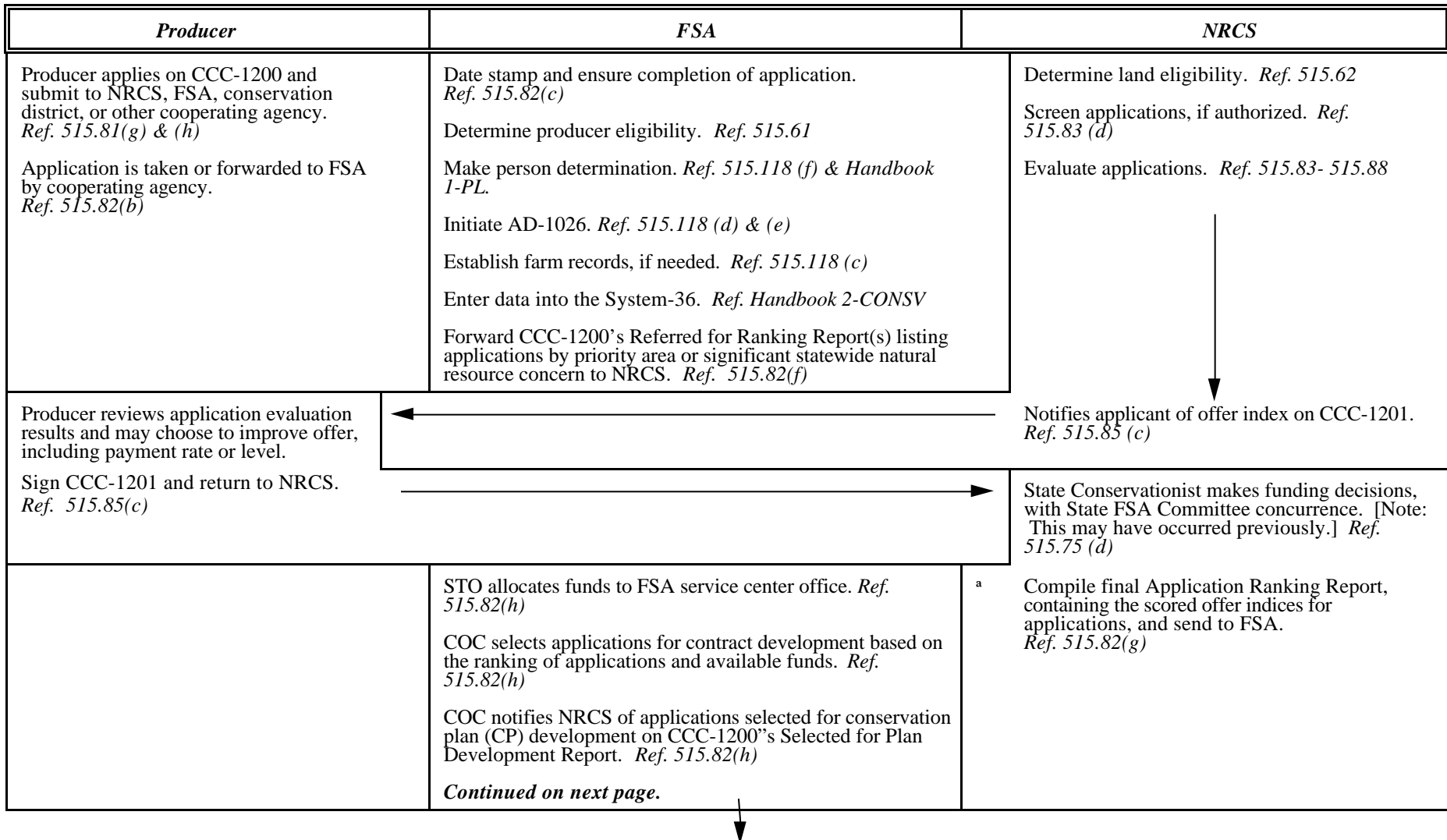
Remarks: \_\_\_\_\_

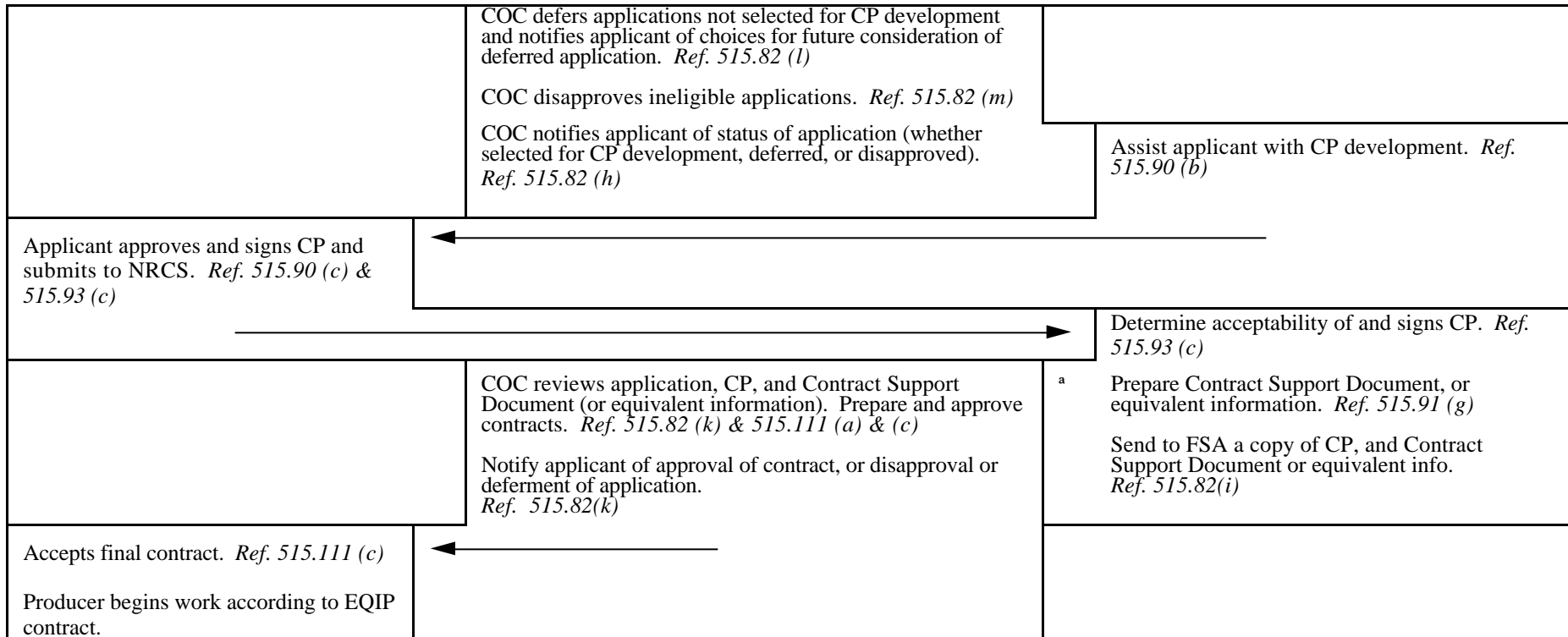
Completed by: **Designated Conservationist** ☒ Initial Report ☐ Final Report

Rank	Applicant Name	Application / Contract Number	County	Eligible Land (Y / N)	Offer Index	Estimated EQIP Payments
1	Farmer Green	38	Harmony	Y	800	\$40,000
2	Farmer Orange	57	Harmony	Y	850	\$47,600
3	Farmer Black	11	Grace	Y	1000	\$20,000
4	Rancher Brown	9	Harmony	Y	1000	\$39,000
5	Rancher Red	5	Grace	Y	1000	\$41,000
6	Farmer Blue	23	Harmony	Y	1333	\$20,000
*	Farmer Gray	15	Grace	Y		
*	Rancher Purple	20	Harmony	Y		
	Farmer White	21	Harmony	N		

\* Not ranked; applicant in lower screening category







## 515.141 NRCS-LTP-13, Status Review

United States Department of Agriculture  
Natural Resources Conservation Service

### STATUS REVIEW

FORM APPROVED  
OMB NUMBER 0578-0019  
NRCS-LTP-13  
4-95

This information is used in both the development and implementation of a Conservation, Reclamation or Water Quality plan as the basis for technical assistance and/or cost sharing. The authorities for such work are: 16 USC 590a-f (Soil Conservation); 16 USC 1301-1311 (Water Bank); 16 USC 590p(b) (Great Plains); 30 USC 1236 et seq. (Rural Abandoned Mines); 33 USC 1288 et seq. (Rural Clean Water); 43 USC 1592(c) (Colorado River Basin Salinity Control); 16 USC 3831 (Conservation Reserve). Furnishing information is voluntary and will be confidential; however, it is necessary in order to receive assistance.

County \_\_\_\_\_ Date \_\_\_\_\_ Contract or Agreement No. \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

Progress in applying plan:

Revision of plan or modification of contract needed:

Need for technical assistance:

Land is still under control of the participant: ☐ Yes ☐ No.

Signed \_\_\_\_\_  
District Conservationist or Administering Agency

Participant \_\_\_\_\_

*Continued on next page*

**NRCS-LTP-13 (REVERSE)**

**OMB DISCLOSURE STATEMENT**

Public reporting burden for this collection of information is approximately 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture Clearance Officer OIRM, AG Box 7630, Washington, D.C. 20250-7630; and to the Office of Management and Budget, Paperwork Reduction Project (OMB NO. 0578-0013), Washington, D.C. 20503.

# 515.142 FSA-18, Applicant's Agreement to Complete An Uncompleted Practice

FSA-18 (07-01-97)		U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		1. COUNTY OFFICE ADDRESS AND TELEPHONE NO. (area code)	
APPLICANT'S AGREEMENT TO COMPLETE AN UNCOMPLETED PRACTICE					
2. APPLICANT'S NAME		3. PROGRAM		4. FARM NO.	
5. STATE		6. COUNTY		7. CONTRACT NO.	
				8. CONTROL NO.	
<p><b>NOTE:</b> The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting this information is 7 CFR Part 701.10, 16 USC 580 et seq., 1301 et seq., 2101 et seq.; Pub. L. 96-108 and 96-528, authorize collection of the following data. Furnishing the data is voluntary; however, no further monies or other benefits may be paid out under this program unless this report is completed and filed as required by existing law and regulations. This information will be used to determine eligibility for program benefits. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.</p> <p>Federal Agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM (OMB No. 0560-0082), Stop 7630, Washington, D.C. 20250-7630. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</p>					
<b>PART A - PRACTICE APPROVED ON AD-245</b>					
9. NO.		10. DESCRIPTION		11. APPROVED EXTENT	
<b>PART B - COMPONENTS AS APPROVED ON AD-245</b>					
13. CODE		14. DESCRIPTION		15. APPROVED EXTENT	
				16. RATE	
				17. COST-SHARES APPROVED	
<b>PART C - COMPONENTS (Identify each separately)</b>					
18. The following component codes have been completed in accordance with specifications:					
19. The following component codes have not been completed in accordance with specifications:					
<b>PART D - APPLICANT'S CERTIFICATION</b>					
I request cost-share assistance for the completed components shown in Part C, Item 18 above. I agree to complete the components shown in Part C, Item 19, within the time prescribed by the County FSA committee, regardless of whether or not cost-share assistance is approved. I agree to refund any cost-share assistance paid to me under this practice, if I fail to complete it.					
20. APPLICANT'S SIGNATURE				DATE	
21. APPROVED FOR COUNTY COMMITTEE BY				DATE	

This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability.

**This is a blank page.**

## 515.143 Conservation Practice Life Spans

PRACTICE NAME	UNIT	PRACTICE CODE	LIFE SPAN (Years)
Access Road	(ft.)	560	10
Agrochemical Mixing Facility	(no.)	702	20
Agrochemical Mixing Station, Portable	(no.)	703	10
Agro Tillage	(ac.)	761	1
Agroforestry Planting	(ac.)	704	15
Alley Cropping	(ac.)	311	15
Air Management	(ac.)	705	10
Animal Trails and Walkways	(ft.)	575	10
Animal Use Area Protection	(ac.)	757	10
Artificial Groundwater Recharge System	(no.)	706	15
Barneyard Runoff Management	(no.)	707	10
Brush Management	(ac.)	314	10
Channel Vegetation	(ac.)	322	10
Chiseling & Subsoiling	(ac.)	324	1
Cistern	(no.)	708	15
Clearing & Snagging	(ft.)	326	5
Closure of Abandoned Waste Facility	(no.)	709	15
Coastal Wetland Establishment	(ac.)	710	10
Composting Facility	(no.)	317	15
Conservation Cover	(ac.)	327	10
Conservation Cover (w/ trees, shrubs)	(ac.)	327A	15
Conservation Crop Rotation	(ac.)	328	1
Contour Buffer Strips	(ac.)	332	10
Contour Farming	(ac.)	330	1
Contour Orchard and Other Fruit Area	(ac.)	331	10
Contour Livestock Lounging Area	(ac.)	711	10
Controlled Drainage	(ac)	335	10
Covered Anaerobic Lagoon	(no)	735	15
Cover Crop	(ac.)	340	1
Critical Area Planting	(ac.)	342	10
Critical Area Planting (w/ trees, shrubs)	(ac.)	342A	15
Cross Slope Block Farming	(ac.)	750	1
Cross Slope Farming	(ac.)	733	1
Cross Wind Ridges	(ac.)	589A	5
Cross Wind Stripcropping	(ac.)	589B	5
Cross Wind Trap Strips	(ac.)	589C	5
Cut Bank Stabilization	(ac.)	742	10
Dam, Diversion	(no.)	348	15
Dam, Floodwater Retarding	(no.)	402	15
Dam, Multiple Purpose	(no.)	349	15
Digester,			
Plug Flow (Interim)	(no.)	736	15
Complete Mix (Interim)	(no.)	737	15
Dike	(ft.)	356	20
Diversion	(ft.)	362	10

*Continued on next page.*

## 515.143 Conservation Practice Life Spans

PRACTICE NAME	UNIT	PRACTICE CODE	LIFE SPAN (Years)
Dry Hydrant	(no.)	712	15
Farm*A*Syst Evaluation <u>1</u> /	(no.)	752	5
Fence	(ft.)	382	20
Field Border	(ft.)	386	10
Field Windbreak	(ft.)	392	15
Filter Strip	(ac.)	393	10
Filter Strip (w/ trees, shrubs)	(ac.)	393A	15
Filter Strip, Waste Treatment	(ac.)	780	10
Firebreak	(ft.)	394	10
Fish Raceway or Tank	(ft.)	398	10
Fish Stream Improvement	(ft.)	395	15
Fishpond Management	(no.)	399	1
Floodwater Diversion	(ft.)	400	15
Floodway	(ft.)	404	15
Forage Harvest Management	(ac.)	511	1
Forest Harvest Trails & Landings	(ac.)	655	5
Forest Site Preparation	(ac.)	490	1
Forest Stand Improvement	(ac.)	666	10
Furrow Diking	(ac.)	715	10
Grade Stabilization Structure	(no.)	410	15
Grassed Waterway	(ac.)	412	10
Grazing Land Mechanical Treatment	(ac.)	548	5
Heavy Use Area Protection	(ac.)	561	10
Hedgerow Planting	(ft.)	422	15
Herbaceous Wind Barriers	(ft.)	422A	5
Hillside Bench	(ac.)	739	10
Hillside Ditch	(ft.)	423	10
Improved Water Application	(ac.)	743	1
Infiltration Ditches	(ft.)	753	15
Integrated Crop Management	(ac.)	751	1
Irrigation Canal or Lateral	(ft.)	320	15
Irrigation Erosion Control, Polyacrylamide	(ac.)	716	1
Irrigation Field Ditch	(ft.)	388	15
Irrigation Land Leveling	(ac.)	464	15
Irrigation Pit	(no.)	552A	20
Irrigation Regulating Reservoir	(no.)	552B	15
Irrigation Storage Reservoir	(no.)	436	15
Irrigation System			
Trickle	(no.)	441	10
Sprinkler	(no.)	442	15
Surface & Subsurface	(no.)	443	15
Subirrigation	(ac.)	754	15
Low Energy Precision Application	(ac.)	718	10
Irrigation System, Tailwater Recovery	(no.)	447	20

*Continued on next page.*



## 515.143 Conservation Practice Life Spans

PRACTICE NAME	UNIT	PRACTICE CODE	LIFE SPAN (Years)
<b>Irrigation Water Conveyance, Ditch and Canal Lining</b>			
Nonreinforced Concrete	(ft.)	428A	20
Flexible Membrane	(ft.)	428B	15
Galvanized Steel	(ft.)	428C	20
<b>Pipeline</b>			
Aluminum Tubing	(ft.)	430A	20
Asbestos-Cement	(ft.)	430B	15
Nonreinforced Concrete	(ft.)	430C	25
High Pressure, U-G, Plastic	(ft.)	430D	25
Low-pressure, U-G, Plastic	(ft.)	430E	25
Steel	(ft.)	430F	25
Reinforced Plastic Mortar	(ft.)	430G	25
Rigid Gated Pipeline	(ft.)	430H	15
<b>Irrigation Water Management</b>	(ac.)	449	1
<b>Land Clearing</b>	(ac.)	460	10
<b>Land Grading</b>	(ac.)	744	10
<b>Land Smoothing</b>	(ac.)	466	10
<b>Lined Waterway or Outlet</b>	(ft.)	468	15
<b>Livestock Shade Structure</b>	(no.)	717	10
<b>Manure Transfer</b>	(no.)	634	1
<b>Mole Drain</b>	(ft.)	482	5
<b>Mulching</b>	(ac.)	484	1
<b>Nutrient Management</b>	(ac.)	590	1
<b>Obstruction Removal</b>	(ac.)	500	10
<b>Open Channel</b>	(ft.)	582	15
<b>Pasture &amp; Hayland Management</b>	(ac.)	510	1
<b>Pasture &amp; Hayland Planting</b>	(ac.)	512	10
<b>Pest Management</b>	(ac.)	595	1
<b>Pipeline</b>	(ft.)	516	20
<b>Planned Grazing System</b>	(ac.)	762	5
<b>Pollution Retention Reservoir</b>	(no.)	720	20
<b>Pond</b>	(no.)	378	20
<b>Pond Sealing or Lining</b>			
Flexible Membrane	(no.)	521A	20
Soil Dispersant	(no.)	521B	20
Bentonite	(no.)	521C	15
Cationic Emulsion	(no.)	521D	15
Asphalt-Sealed Fabric Liner	(no.)	521E	20
<b>Precision Land Forming</b>	(ac.)	462	10
<b>Prescribed Burning</b>	(ac.)	338	5
<b>Prescribed Grazing</b>	(ac.)	528A	5
<b>Pumped Well Drain</b>	(no.)	532	20
<b>Pumping Plant for Water Control</b>	(no.)	533	15
<b>Range Planting</b>	(ac.)	550	10
<b>Recordkeeping <u>1</u>/</b>	(no.)	748	1
<b>Regulating Water in Drainage Systems</b>	(ac.)	554	20

Continued on next page.

## 515.143 Conservation Practice Life Spans

PRACTICE NAME	UNIT	PRACTICE CODE	LIFE SPAN (Years)
Residue Management,			
No-till & Strip Till	(ac.)	329A	1
Mulch Till	(ac.)	329B	1
Ridge Till	(ac.)	329C	1
Seasonal	(ac.)	344	1
Rice Water Quality Management	(ac.)	746	1
Riparian Buffer - Vegetative	(ac.)	759	10
Riparian Forest Buffer	(ac.)	391	15
Riparian Herbaceous Cover	(ac.)	390	10
Road or Landing Removal	(ac.)	722	10
Rock Barrier	(ft.)	555	10
Roof Runoff Management	(no.)	558	15
Roofing for Runoff Control	(sq. ft.)	724	20
Row Arrangement	(ac.)	557	5
Sediment Basin	(no.)	350	20
Shallow Water for Wildlife	(ac.)	646	10
Sinkhole Treatment	(no.)	725	10
Slope Roughening	(ac.)	726	1
Snow Harvesting	(ac.)	727	15
Soil Salinity Management-Nonirrigated	(ac.)	571	1
Soil Salinity Control	(ac.)	738	5
Spoil Spreading	(ac.)	572	1
Spring Development	(no.)	574	10
Streambank & Shoreline Protection	(ft.)	580	20
Stream Channel Stabilization	(ft.)	584	10
Stream Corridor Improvement	(ft.)	745	10
Stream Crossing	(no.)	728	10
Stripcropping,			
Contour	(ac.)	585	5
Field	(ac.)	586	5
Strip Intercropping	(ac.)	758	5
Structure for Water Control	(no.)	587	20
Subsurface Drain	(ft.)	606	20
Surface Drainage			
Field Ditch	(ft.)	607	15
Main or Lateral	(ft.)	608	15
Surface Roughening	(ac.)	609	1
Surface Flooding of Organic Soils	(ac.)	756	1
Surface Wetting	(ac.)	760	1
Terrace	(ft.)	600	10
Terrace, Special Parallel	(ft.)	600SP	10
Thermokarst Stabilization	(ac.)	729	1
Toxic Salt Reduction	(ac.)	610	5
Tree/Shrub Establishment	(ac.)	612	15
Tree/Shrub Pruning	(ac.)	660	10
Trough or Tank	(no.)	614	10
Underground Outlet	(ft.)	620	20

Continued on next page.

## 515.143 Conservation Practice Life Spans

PRACTICE NAME	UNIT	PRACTICE CODE	LIFE SPAN (Years)
Use Exclusion	(ac.)	472	10
Vegetative Barriers	(ft.)	734	5
Vegetative Buffer Strips	(ac.)	741	10
Vertical Drain	(no.)	630	20
Waste Field Storage Area	(no.)	749	10
Waste Management System	(no.)	312	15
Waste Storage Facility	(no.)	313	15
Waste Storage Pond	(no.)	425	15
Waste Treatment Lagoon	(no.)	359	15
Waste Utilization	(ac.)	633	1
Wastewater Irrigation	(ac.)	732	1
Wastewater (Milkhouse) Treatment System	(no.)	719	15
Water Harvesting Catchment	(no.)	636	10
Watering Ramp for Livestock	(no.)	730	10
Water & Sediment Control Basin	(no.)	638	10
Waterspreading	(ac.)	640	15
Water Table Control	(ac.)	641	20
Well	(no.)	642	20
Well Testing <sup>1/</sup>	(no.)	731	1
Well Decommissioning	(no.)	351	20
Wetland Creation	(ac.)	658	15
Wetland, Constructed	(ac.)	656	15
Wetland Enhancement	(ac.)	659	15
Wetland Restoration	(ac.)	657	15
Wildlife Habitat, Early Successional Habitat Development and Management	(ac.)	647	15
Wildlife Habitat, Restoration and Management of Declining Habitat	(ac.)	643	15
Wildlife Upland Habitat Management	(ac.)	645	1
Wildlife Watering Facility	(no.)	648	5
Wildlife Wetland Habitat Management	(ac.)	644	1
Windbreak/Shelterbreak Establishment	(ft.)	380	15
Windbreak/Shelterbreak Renovation	(ft.)	650	15
Woody Root Pruning	(ac.)	747	5
Woodland Pruning	(ac.)	763	5

<sup>1/</sup> This practice is generally a component of another conservation practice that is eligible for cost-shares or incentive payments.

**Note:** Conservation practice life spans may be modified by a State Conservationist, in consultation with the State Technical Committee, to reflect the conservation needs of a state or locality. Life spans for conservation practices used in other conservation programs, such as CRP, WRP, WHIP, FIP, and CFO, should be consistent.

**This is a blank page.**

## 515.144 Glossary of Terms

---

Administrator	means the Administrator of the FSA, United States Department of Agriculture (USDA), or designee.
Agricultural Commodity	means any crop planted and produced by annual tilling of the soil or tilling on an annual basis by one trip planters, or alfalfa, and other multi-year grasses and legumes in rotation as approved by the Secretary. Land shall be considered planted to and agricultural commodity during a crop year if, as determined by the NRCS, an action of the Secretary prevented land from being planted to the commodity during the crop year.
Agricultural land	means cropland, rangeland, pasture forest land, and other land on which crops or livestock are produced.
Animal unit	means 1,000 pounds of live weight of any given livestock species or any combination of livestock species.
Animal waste management facility	means a structural practice used for the storage or treatment of animal waste.
Applicant	means a producer who has requested in writing to participate in a USDA program.
Chief	means the Chief of the Natural Resources Conservation Service or the person delegated authority to act for the Chief.
Community stakeholder	means an individual or group of clients that may or may not be decisionmakers and who have an interest in or may be impacted by actions recommended in the implementation of USDA programs.
Confined livestock operation	means a livestock facility that stables, confines, feeds, or maintains animals for a total of 45 days or more in any 12-month period and does not sustain crops, vegetation, forage growth, or post-harvest residues within the confined area in the normal growing season over any portion of the confinement facility.
Conservation District	means a political subdivision of a State Indian Tribe or territory, organized pursuant to the State or territorial soil conservation district law, or Tribal law. The subdivision may be a conservation district, soil conservation district, soil and water conservation district, resource conservation district, natural resource district, land conservation committee, or similar legally constituted body.

---

*Continued on next page*

---

**515.144 Glossary of Terms, Continued**

Conservation Management System	means any combination of conservation practices and management practices that, if applied, will protect or improve the soil, water, or related natural resources. A CMS may treat one or all of the natural resources to the sustainable level, or to a greater or lesser extent than the sustainable level.
Conservation Plan	means a record of the client's decisions and supporting information, for treatment of a land unit or water. The plan describes the schedule of operations and activities needed to solve identified natural resource concern problems.
Conservation Practice	means a specified treatment, such as a structural or vegetative practice or management technique commonly used to meet a specific need in planning and carrying out soil and water conservation programs for which standards and specifications have been developed. Conservation practices are in the FOTG, Section IV, which is based on the National Handbook of Conservation practices (NHCP).
Contract	means the document that specifies the obligations and the rights of any person who has been accepted for participation in the program.
Cost-share payment	means the payments made to a participant, under the particular program, specifically mentioned.
County executive director	means the FSA employee responsible for directing and managing program and administrative operations in one or more FSA county offices.
Decisionmaker	means an individual group, unit of government, or other entity that has the authority by ownership, position, office, delegation, or otherwise to decide on a course of action.
Designated conservationist	means a NRCS employee whom the State Conservationist has designated as responsible for administration of the program in question.
Enrolled	means that the acres or area in question shall be considered enrolled at the time funds have been committed, a "tentative acceptance" letter has been sent to the participant(s) and the participant(s) has indicated an interest to continue in the program.
Farm Service Agency county committee	means a committee elected by the agricultural producers in the county or area, in accordance with Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

---

*Continued on next page*

---

**515.144 Glossary of Terms, Continued**

Farm Serve Agency State Committee	means a committee in as State or the Caribbean Area (Puerto Rico and the Virgin Islands) appointed by the Secretary in accordance with Section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.
Field office technical guide	means the official NRCS guidelines, criteria, and standards for planning and applying conservation treatments and conservation management systems. It contains detailed information on the conservation of soil, water, air, plant, and animal resources applicable to the local area for which it is prepared.
Habitat development	means the physical actions or practices undertaken to establish, improve, protect, enhance, or restore the present conditions of the land for the specific purpose of improving conditions for wildlife.
Incentive payment	means the monetary or financial assistance to the participant in an amount and at a rate determined appropriate to encourage the participant to perform a land management practice that would not otherwise be initiated without program assistance.
Indian tribe	means any Indian tribe, band, nation or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
Indian trust lands	means real property in which (1) the United States holds title as trustee for the Indian or tribal beneficiary, or (2) the Indian or tribal beneficiary holds title and the United States maintains a trust relationship.
Land management practice	means conservation practices that primarily require site-specific management techniques and methods to conserve, protect from degradation, or improve soil, water, or related natural resources in the most cost-effective manner. Land management practices include, but are not limited to, nutrient management, manure management, integrated pest management, stripcropping, contour farming, grazing management, and wildlife habitat management.
Life span	means the period of time specified in the contract or conservation plan during which the conservation practice or conservation system are to be maintained and used for the intended purpose.

---

*Continued on next page*

---

**515.144 Glossary of Terms, Continued**

Liquidated damages	means a sum of money stipulated in the contract which the participant agrees to pay if the participant breaches the contract. The sum represents an amount which is reasonable in light of the anticipated or actual harm caused by the breach, the difficulties of proof of loss, and the inconvenience or nonfeasibility of otherwise obtaining an adequate remedy.
Livestock	means animals produced for food or fiber such as dairy cattle, beef cattle, poultry, turkeys, swine, sheep, horses, fish and other animals raised by aquaculture, or animals the State Conservationist identifies in consultation with the State Technical Committee.
Livestock production	means farm and ranch operations involving the production, growing, raising, breeding, and reproduction of livestock or livestock product.
Livestock-related natural resource concern	means any environmental condition, either on-site or off-site, that is directly related to any livestock activity or to livestock manure or waste.
Local	can mean a county, a portion of a county, a watershed, or a multi-county region, or whatever geographic areas is best suited to address the resource conservation needs identified.
Locally led conservation	consists of a series of phases which involve community stakeholders in natural resource planning, implementation of solutions and evaluation of results. Locally led conservation begins with community itself, working through the local Conservation District. It is based on the principle that community stakeholders are best suited to deal with local resource problems.
National conservation priority area	means a watershed, multi-state area, or region of specific environmental sensitivity designated by the Chief of NRCS or FSA Administrator
Natural Resources Conservation Service (NRCS)	is an agency of the United States Department of Agriculture, formerly called the Soil Conservation Service.
Off-site	means a location outside the area on which conservation treatment is being considered. Also refers to an area outside the planning unit that should be considered for potential impacts.
On-site	means a location within the area on which conservation treatment is being considered.

---

*Continued on next page*



---

**515.144 Glossary of Terms, Continued**

Operation and maintenance	means work performed by the participant to keep the applied conservation practice functioning for the intended purposed during its life span. Operation includes the administration, management, and performance of non-maintenance actions needed to keep the completed practice safe and functioning as intended. Maintenance includes work to prevent deterioration of the practice, repairing damage, or replacement of the practice to its original condition if one or more components fail.
Participant	means an applicant who is party to one or more USDA contracts, i.e. WHIP, EQIP, CRP, etc.
Person	means an individual, partnership, association, corporation, cooperative, estate, trust, joint venture, joint operation, or other business enterprise or other legal entity and whenever applicable, a State, a political subdivision of a State, or agency thereof.
Planner	means a person, qualified by training and experience, who effectively assists the client in completing the planning process.
Planning process	means the nine-step process NRCS uses to help clients plan and apply conservation treatments or make land use and treatment decisions.
Practice	means a specified treatment, such as a structural or land management measure, which is planned and applied according to NRCS standards and specifications.
Practice narrative	means a brief non-technical description of the planned practice.
Public participation	means an integral part of planning with units of government. It provides opportunities for the public to be involved in an interchange of data and ideas.
Recurring practices	means practices repeated on the same field over the life of a contract to achieve specific habitat attributes such as early successional stages.
Regional conservationist	means the NRCS employee authorized to direct and supervise NRCS activities in a NRCS region.
Riparian areas	is land that occurs along streams, channels, rivers, and other water bodies. They are normally distinctly different from the surrounding land because of unique soil and vegetation characteristics, may be identified by distinct vegetative communities which are reflective of soil conditions normally wetter than adjacent soils, and generally provided a corridor for the movement of wildlife.
Secretary	means the Secretary of the United States Department of Agriculture.
State Conservationist	means the NRCS employee authorized to direct and supervise NRCS activities in a State, the Caribbean Area, or the Pacific Basin Area.

---

*Continued on next page*

---

**515.144 Glossary of Terms, Continued**

State Executive Director	means the FSA employee authorized to direct and supervise FSA activities in a State, the Caribbean Area (Puerto Rico and the Virgin Islands).
State Technical Committee	means a committee in each State established by the Secretary pursuant to 16 U.S.C. 3861.
Structural Practice	means a conservation practice which primarily involves the establishment, construction, or installation of a site-specific measure to conserve, protect from degradation, or improve soil, water, or related natural resources in the most cost-effective manner. Examples include, but are not limited to, animal waste management facilities, terraces, grassed waterways, tailwater pits, livestock water developments, and capping of abandoned wells.
Technical assistance	means the personnel and support resources needed to conduct conservation planning; conservation practice survey, layout, design, installation, and certification; training, and provide quality assurance for professional conservationists; and evaluation and assessment of the program.
Unit of concern	means a parcel of agricultural land that has natural resource conditions that are of concern to the participant.
USDA local work group	is made up of Federal, State, County, tribal or local government representatives. The USDA local work group supports the locally led conservation effort by coordinating USDA programs with other Federal, State, tribal and local conservation programs, to work singly and in combination, to provide an integrated solution to addressing natural resource concerns.
Vegetative practice	means a conservation practice which primarily involves the establishment or planting of a site-specific vegetative measure to conserve, protect from degradation, or improve soil, water, or related natural resources in the most cost-effective manner. Examples include, but are not limited to, contour grass strips, filterstrips, critical area plantings, and permanent wildlife habitat.
Wildlife habitat	means the aquatic and terrestrial environments required for wildlife to complete their life cycles, including air, food, cover, water, and spatial requirements.

## 515.145 Glossary of Abbreviations

---

<b>AC</b>	Area Conservationist
<b>ACP</b>	Agricultural Conservation Program (FSA)
<b>BCS</b>	Basic Conservation System
<b>C</b>	Cropping factor for Sheet and Rill Erosion (USLE)
<b>C</b>	Climatic factor for wind erosion (WEQ)
<b>CCC</b>	Commodity Credit Corporation
<b>CD</b>	Conservation District
<b>CED</b>	County Executive Director (FSA)
<b>CES</b>	Cooperative Extension Service
<b>CFO</b>	Conservation Farm Option
<b>C.F.R.</b>	Code of Federal Regulations
<b>COC</b>	County Committee (FSA)
<b>COD</b>	Conservation Operations Division
<b>COE</b>	US Army Corps of Engineers
<b>CPA</b>	Conservation Planning Assistance
<b>CRSCP</b>	Colorado River Basin Salinity Control Program
<b>CRP</b>	Conservation Reserve Program
<b>CTU</b>	Conservation Treatment Unit
<b>6-CP</b>	FSA Manual for administering HELC/WC provisions

---

*Continued on next page*

---

**515.145      Glossary of Abbreviations, Continued**

<b>CW</b>	Converted Wetland
<b>CWA</b>	Clean Water Act
<b>DC</b>	District Conservationist
<b>EFT</b>	Electrical Fund Transfer
<b>EI</b>	Erodibility Index
<b>EQIP</b>	Environmental Quality Incentives Program
<b>EPA</b>	Environmental Protection Agency
<b>EWRP</b>	Emergency Wetland Reserve Program
<b>FACTA</b>	Food, Agriculture, Conservation, and Trade Act of 1990
<b>FCIC</b>	Federal Crop Insurance Corporation
<b>FIP</b>	Forestry Incentives Program
<b>FMP</b>	Forest Management Plan
<b>FOCS</b>	Field Office Computing System
<b>FOIA</b>	Freedom of Information Act
<b>FOTG</b>	Field Office Technical Guide
<b>FPP</b>	Farmland Protection Program
<b>FSA</b>	Farm Service Agency
<b>FS</b>	Forest Service
<b>FWS</b>	US Fish and Wildlife Service

---

*Continued on next page*

---

**515.145 Glossary of Abbreviations, Continued**

<b>GM</b>	General Manual
<b>GPCP</b>	Great Plains Conservation Program
<b>GPS</b>	Global Positioning System
<b>HE</b>	Highly Erodible
<b>HELC</b>	Highly Erodible Land Conservation Provision of the 1985 Act
<b>I</b>	Soil erodibility factor for wind erosion
<b>K</b>	Soil Erodibility factor for sheet and rill erosion
<b>LS</b>	Factor relating to length and steepness of slope for sheet and rill erosion
<b>NEPA</b>	National Environmental Policy Act of 1970
<b>NFSAM</b>	National Food Security Act Manual
<b>NHQ</b>	NRCS National Headquarters
<b>NPPH</b>	National Planning Procedures Handbook
<b>NRCS</b>	Natural Resources Conservation Service
<b>NTC</b>	National Technical Center
<b>OIG</b>	Office of the Inspector General
<b>OGC</b>	Office of General Counsel
<b>OW</b>	Other Waters of the US
<b>PHE</b>	Potentially highly erodible
<b>QAR</b>	Quality Assurance Reviews

---

*Continued on next page*

---

**515.145      Glossary of Abbreviations, Continued**

<b>QAT</b>	Quality Action Team
<b>R</b>	Rainfall factor for sheet and rill erosion
<b>RECD</b>	Rural Economic and Community Development
<b>RUSLE</b>	Revised Universal Soil Loss Equation
<b>RMS</b>	Resource Management System
<b>SC</b>	State Conservationist
<b>STC</b>	State Technical Committee
<b>T</b>	Tolerable soil loss in tons per acre per year
<b>USDA</b>	US Department of Agriculture
<b>USLE</b>	Universal Soil Loss Equation
<b>WBP</b>	Water Bank Program
<b>WC</b>	Wetland Conservation provisions of 1985 Act
<b>WEQ</b>	Wind Erosion Equation
<b>WHIP</b>	Wildlife Habitat Incentives Program
<b>WQIP</b>	Water Quality Incentives Program
<b>WRP</b>	Wetland Reserve Program

## 515.146 Screening Applications Criteria or Thresholds, Examples

---

### Example 1

An applicant must meet (or exceed) all of the criteria in a category, otherwise the application falls to the next lower category.

#### **HIGH**

- The planned treatment for the natural resource concern(s) in the priority area will be at the resource management system level as found in Section III of the Field Office Technical Guide.
- An acceptable conservation plan exists for the whole farm or ranch operating unit.
- The planned treatment will assist the applicant comply with a natural resource or environmental regulation.

#### **MEDIUM**

- The planned treatment for the natural resource concern(s) in the priority area will meet the quality criteria for the natural resource concern(s) as found in Section III of the Field Office Technical Guide.
- The applicant has or is willing to develop a conservation plan for the conservation management unit.
- The planned treatment will assist the applicant comply with a natural resource or environmental regulation.

#### **LOW**

- Applicant desires a single conservation practice to treat the natural resource concern(s) in the priority area.

#### **VERY LOW**

- Applicants that cannot be placed in any of the above categories.

**NOTE:** An applicant who desires to treat only natural resource concern(s) that are not the primary natural resource concern(s) in the priority area is ineligible, per paragraph 515.92 (c). An applicant who desires to apply a conservation management system that will not meet the quality criteria for the priority natural resource concern(s) in the priority area is ineligible, per paragraph 515.92 (c).

---

*Continued on next page*

---

**515.146 Screening Applications Criteria or Thresholds, Examples, Continued****Example 2**

An applicant must meet one of the criteria in a category, and agree to treat the significant statewide natural resource concern to the quality criteria identified in the FOTG, otherwise the application falls to the next lower category.

<b>CATEGORY 1 CRITERIA</b>	<b>YES</b>	<b>NO</b>
1. Sheet and Rill Erosion - Sheet and rill soil erosion, as measured with RUSLE, exceeds 3T based on the average annual soil loss for the applicant's current rotation.		
2. Gully Erosion - A classic gully exists in or adjacent to cropland, with dimensions of at least 6" deep x 100' length, or equivalent.		
3. Streambank erosion - There is a bare and actively eroding streambank, at least 3' high X 500' length, or equivalent, due to livestock access to the stream.		
4. Proximity of problem to water or sensitive area - There is a problem source of pollution (i.e. barnyard, milkhouse discharge, animal waste concentration, pesticide mixing/handling area, or silage leachate) within 100 feet upslope of a water or sensitive area (perennial stream, water body, sinkhole, wetland, well recharge area).		

<b>CATEGORY 2 CRITERIA</b>	<b>YES</b>	<b>NO</b>
1. Sheet and Rill Erosion - Sheet and rill soil erosion, as measured with RUSLE, is between 2T and 3T based on the average annual soil loss for the applicant's current rotation.		
2. Gully Erosion - A classic gully exists in or adjacent to cropland, with dimensions of at least 3" deep x 100' length, or equivalent.		
3. Streambank erosion - There is a bare and actively eroding streambank, at least 2' high X 250' length, or equivalent, due to livestock access to the stream.		
4. Proximity of problem to water or sensitive area - There is a problem source of pollution (i.e. barnyard, milkhouse discharge, animal waste concentration, pesticide mixing/handling area, or silage leachate) between 100 - 250 feet upslope of a water or sensitive area (perennial stream, water body, sinkhole, wetland, well recharge area).		

<b>CATEGORY 3 CRITERIA</b>	<b>YES</b>	<b>NO</b>
1. Sheet and Rill Erosion - Sheet and rill soil erosion, as measured with RUSLE, is between T and 2T based on the average annual soil loss for the applicant's current rotation.		
2. Gully Erosion - A classic gully exists in or adjacent to cropland, with dimensions of less than 3" deep x 100' length, or equivalent.		
3. Streambank erosion - There is a bare and actively eroding streambank, less than 2' high X 250' length, or equivalent, due to livestock access to the stream.		
4. Proximity of problem to water or sensitive area - There is a problem source of pollution (i.e. barnyard, milkhouse discharge, animal waste concentration, pesticide mixing/handling area, or silage leachate) more than 250 feet upslope of a water or sensitive area (perennial stream, water body, sinkhole, wetland, well recharge area).		

---

*Continued on next page*



---

**515.146 Screening Applications Criteria or Thresholds, Examples, Continued****Example 3****Category A**

Existing irrigated cropland, orchard, or vineyard, or an existing confined animal feeding operation, with at least two (2) High Risk factors for water quality degradation.

**Category B**

Existing irrigated cropland, orchard, or vineyard, or an existing confined animal feeding operation, with one (1) High Risk factor for water quality degradation or at least two (2) Moderate Risk factors for water quality degradation; or existing non-irrigated cropland, orchard, or vineyard, with at least two (2) High Risk factors for water quality degradation.

**Category C**

Existing irrigated cropland, orchard, or vineyard, or an existing confined animal feeding operation, with one (1) Moderate Risk factor for water quality degradation or at least two (2) Low Risk factors for water quality degradation; or existing non-irrigated cropland, orchard, or vineyard, with one (1) High Risk factor for water quality degradation or at least two (2) Moderate Risk factors for water quality degradation.

**Category D**

Existing non-irrigated cropland, orchard, or vineyard, with one (1) Moderate Risk factor for water quality degradation or at least two (2) Low Risk factors for water quality degradation; or a new confined animal feeding operation.

**Category E**

All other situations.

<b>Water Quality Degradation Risk Factors</b>			
<b>Factor</b>	<b>High Risk</b>	<b>Moderate Risk</b>	<b>Low Risk</b>
a. Land proximity to water body	< 0.5 mile	0.5 - 1.0 mile	> 1.0 mile
b. Depth to potable water aquifer	< 50 feet	50 - 100 feet	> 100 feet
c. Pesticide surface loss potential	High	Moderate	Low
d. Pesticide leaching potential	High	Moderate	Low
e. Nutrient surface loss potential	High	Moderate	Low
f. Nutrient leaching potential	High	Moderate	Low

---

**This is a blank page.**